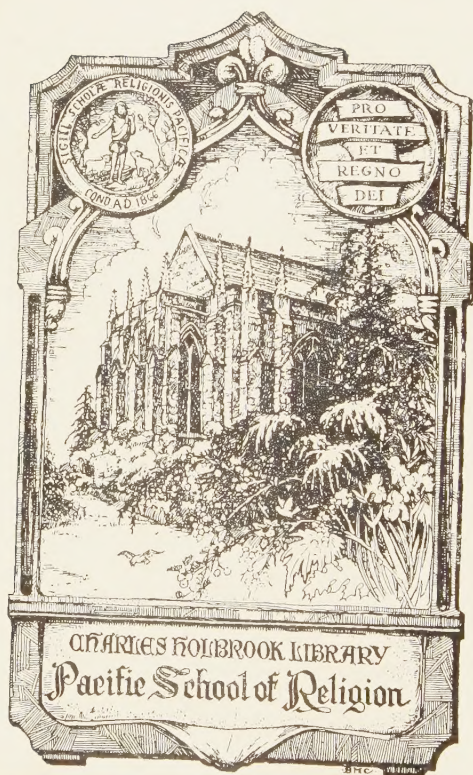
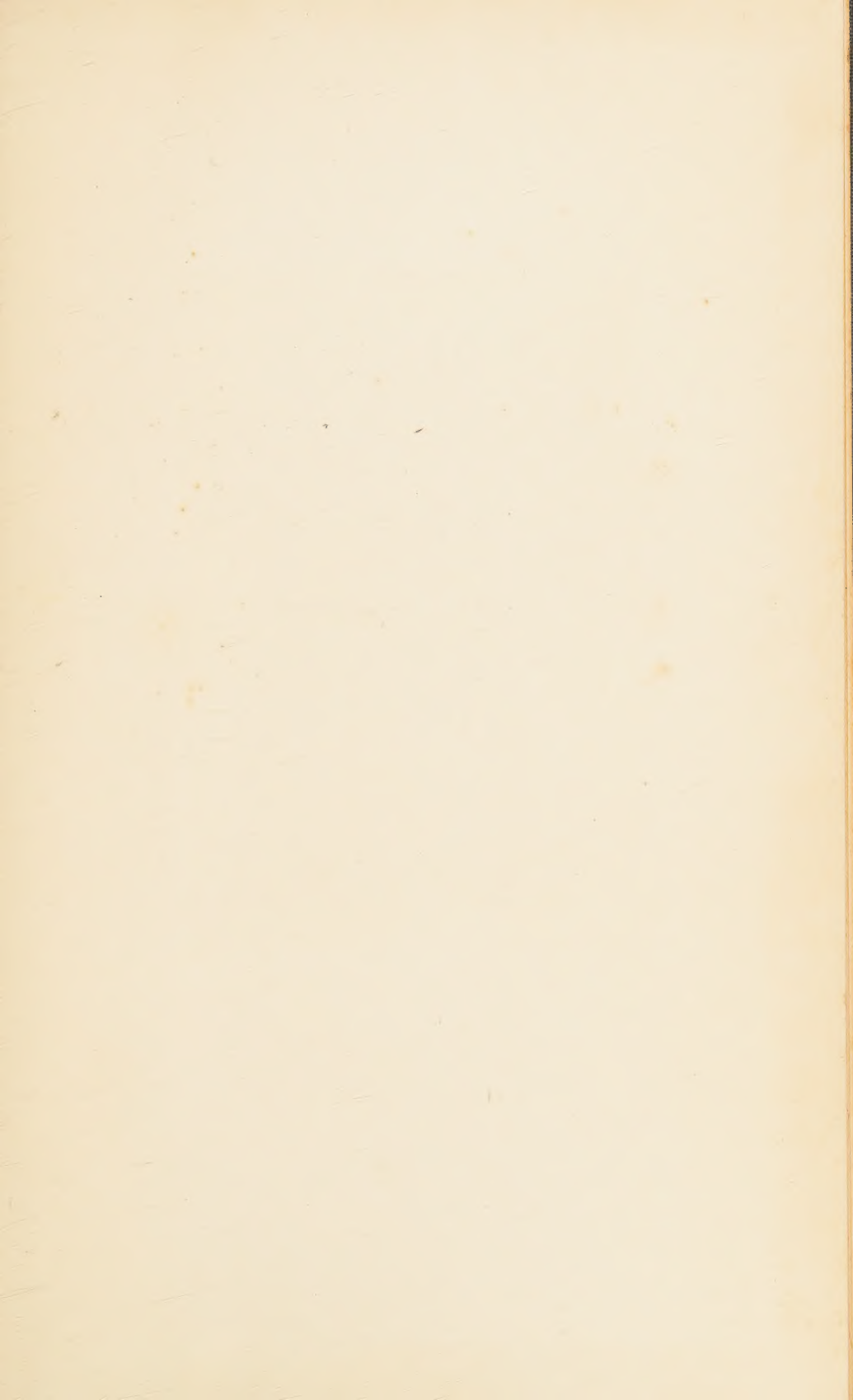




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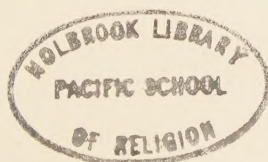
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Jews in the Diplomatic Correspondence of the United States

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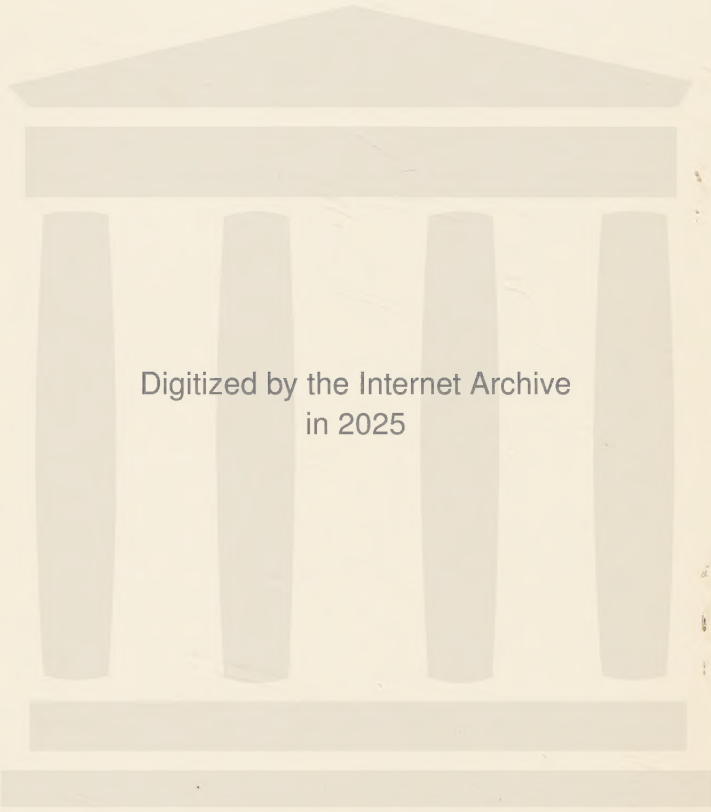
CYRUS ADLER, Ph.D.

President of the American Jewish Historical Society

AT THE THIRTEENTH ANNUAL MEETING HELD

IN CINCINNATI, OHIO, FEBRUARY 27th, 1905.

1906



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PREFACE.

The following address, delivered for the purpose of pointing out to the members of the Society the materials contained in the Diplomatic Correspondence of the United States bearing upon the history of the Jews in this country and in other countries, was not intended for publication in the form presented, since, owing to the restrictions of time, it dealt with but a fragmentary selection of a large mass of material which had been accumulated. Yielding, however, to the judgment of my colleagues, it is here presented practically in the form in which it was delivered. Fragmentary though this be, and unsatisfactory as the geographical arrangement may seem from the philosophical or historical point of view, there are yet valuable lessons to be derived from it. It shows that the humanitarian diplomacy of President Theodore Roosevelt and Secretary John Hay is a legitimate descendant of the position taken by John Forsythe and General Wallace in Turkey; of the attitude of Lewis Cass and President Buchanan, in dealings with Switzerland; of the position of Mr. Evarts and Mr. Blaine in representations made to Morocco. When John A. Kasson, Minister to Austria, proposed in 1878, that this government should take steps toward securing the rights of the Jews in Roumania, none other than sentiments of humanity actuated him, since there were no American interests involved and the rights of no American citizens were being abridged. The famous Roumanian note of 1902, so far from being an innovation as it was then considered, was but a natural successor of the

representations of Mr. Kasson made nearly thirty years before as were likewise the instructions given by President Roosevelt to the American Ambassador at Rome, Mr. Henry White, who represented this government at the recent Conference held at Algeciras.

In our correspondence with Russia from 1880 on, William M. Evarts, John W. Foster, James G. Blaine, A. A. Adey, Frederick T. Frelinghuysen and again President Roosevelt and Mr. Hay have reiterated the right of this government to approach Russia, not only in behalf of American citizens of the Jewish faith but to use their good offices to ameliorate the conditions of the persecuted subjects of the Czar of Russia. This statement does not take into account the sentiment of our country as represented in party platforms or even in the more solemn expression employed by Harrison and other Presidents in their messages to Congress, nor the almost unanimous voice of the American people as expressed in public meetings in 1882 and 1891, or more recently after the Kishineff massacre. It is not only the firm view of our public opinion but almost the settled policy of our Department of State that the government and people of the United States have a right to speak to the rulers of other States, where oppression or persecution is permitted, solely upon the grounds of humanity and without references to the economic or political rights of this country or of its citizens.

If the reader of these pages, in addition to having readily at hand some facts of interest to Jews in America, shall acquire but a slight insight into the really noble policy presented by the United States in its dealings with foreign nations, the writer will feel that the numerous shortcomings in the address will be more than atoned for.

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ADDRESS OF THE PRESIDENT.

DR. CYRUS ADLER.

To the Members and Friends of the American Jewish Historical Society:

LADIES AND GENTLEMEN:—It is gratifying to the Officers and Council of the Society to see the interest which your community takes in its work. Established in New York in 1892, drawing its membership to a very great degree from the Atlantic seaboard and concerning itself to a large extent with the history of the settlement of Jews in South and Central America, the West Indies, and the original States forming the Union, it was but natural that our meetings should have been confined to the cities of New York, Philadelphia, Baltimore, and Washington.

Your own community has for a long time presented a notable exception among the newer States in the interest shown in the history of its Jewish pioneers. The first and second volumes of the *Occident*, edited and published by Isaac Leeser at Philadelphia, in the years 1843 and 1844, contained a series of articles by Joseph Jonas on the Jews of Ohio, which have furnished invaluable material for all subsequent writers. More recently, the Rev. Dr. David Philipson, a valued member of the Council of this Society, has been devoting himself to further elucidating the history of the Jews of your State. I cannot forbear mentioning the name of one who lived long in your midst, Jacob Ezekiel, who made valuable contributions to the publications of our Society, although they did not deal specifically with Ohio.

When, accordingly, an invitation was received by this So-

ciety last year to hold its session in your city, the only hesitation which the Council had was as to whether any considerable number of our members could afford the time for the journey here. I am sorry to say that not as many as we might have wished have been able to do so, but, nevertheless, I feel that their absence is more than made good by the accessions to our ranks from your city and by the interest to which your presence testifies.

The President's Address has been in the past years, since the present incumbent succeeded the Honorable Oscar S. Straus, a brief one, more or less devoted to the business of the Society or the larger interests with which it might be concerned, and the evening meeting was given up to the reading of papers by members. But this year, probably to your regret, I am going to depart from the custom because a theme has forced itself upon my attention which cannot be treated in a few words.

For weal or for woe, the situation of the Jews in various countries of the world has from time to time entered into the realms of diplomacy and even we in this country, far above the most liberal toleration, standing upon the plane of equal rights before the laws, have been made to feel that the local conditions of Jews in other countries, affecting primarily the internal affairs of those countries, nevertheless entered the sphere of foreign relations and placed a bar upon our enjoyment of the fullest measure of the rights of the American citizen. Much has been said and written on these subjects in this country during the past twenty or twenty-five years and what I have to tell you will probably be an old story to those of you who have kept yourselves fully conversant with public affairs. Nevertheless, I do not know that anyone has collected from all sources, printed and unprinted, the dispatches sent by this Government abroad, relating to Jews. To do this seemed to be a large task and yet I felt that both in the interest of the Society and from a practical point of view, it was necessary that this information should be got together so that

it might be viewed consecutively with the idea of fully comprehending the policy of our government and the result or lack of result which its efforts had met.

The entire published Diplomatic Correspondence was gone through, the Congressional Globe or Record for the years in which there were no separate publications of the Department of State were examined, all Public Documents which might directly or indirectly bear upon the Correspondence of the Department of State, all of the works on American Diplomacy, and whatever minor clues which might lead to finding dispatches were followed up. This being done, access was secured to the unpublished archives of the Department of State prior to 1860, those subsequent to 1860 being not yet available for historical purposes.¹ I am assured, however, by the Department that in the period between 1860 up to the present time, nothing of consequence relating to the Jews has been left unpublished, and that, in the main, the unpublished records would simply serve to furnish a multiplication of the details relating to the passport question in Russia or the heaping up of cases which would throw no new light either upon the contention of our Government or the position of Russia. I do not claim that the collection is exhaustive, and, no doubt, additions may be made to it yet, I yet feel that there has been brought together for the use of this Society and for historical students generally, a very interesting body of material upon a specific subject. Figures and statistics ought not to be considered of importance in historical research. But, as I could not carry my materials with me, I wish to say that the dispatches which have passed between the United States and other countries relating to the Jews make in bulk over 2000 quarto typewritten pages—surely if we measure by size alone, our Gov-

¹ I have to express my acknowledgements to the late Secretary of State, Mr. Hay, the Assistant Secretary, Mr. Adee, and to Mr. Pendleton King, formerly Chief of the Bureau of Archives.

ernment cannot be accused of having at any time neglected the interests of its Jewish citizens, and a careful perusal of these dispatches would, I believe, convince anyone that we have, in nearly every case taken the right and the high stand in behalf of the fullest American citizenship. That the representations have not always been effective or that they sometimes have been presented in a way that enabled the foreign Government to return a plausible answer is in no wise to be taken as a reflection upon the high-minded intentions of our Presidents and of our Secretaries of State.

In the following pages, for the purpose of convenience, references to the dispatches and comment upon them are grouped under the respective countries to which they relate. :

TURKEY.

Barring occasional scattering reference to Jews in connection with affairs in the Barbary States, the first representation made by the United States to any foreign government in which Jews were concerned was to the Ottoman Government in connection with the so-called Damascus affair, which it will be remembered, was a charge of ritual murder brought against the Jews of Damascus in 1840 at the instance of the French consul at Damascus with the advice of the monks of the Franciscan order. This resulted in terrible cruelties in the shape of the torture and death of innocent persons.

On August 14, 1840, John Forsyth, Secretary of State, addressed a dispatch on this subject to John Gliddon, the United States consul at Alexandria, Egypt, which, as the first of its kind, I give in full:²

WASHINGTON, August 14, 1840.

JOHN GLIDDON, Esq., *United States Consul at Alexandria, Egypt.*

Sir.—In common with all civilized nations, the people of the

² "Persecution of the Jews in 1840," Ezekiel. *Publications of American Jewish Historical Society*, No. 8, page 143.

United States have learned with horror, the atrocious crimes imputed to the Jews of Damascus, and the cruelties of which they have been the victims. The President fully participates in the public feeling, and he cannot refrain from expressing equal surprise and pain, that in this advanced age, such unnatural practices should be ascribed to any portion of the religious world, and such barbarous measures be resorted to, in order to compel the confession of imputed guilt; the offenses with which these unfortunate people are charged, resemble too much those, in less enlightened times, which were made the prettexts of fanatical persecution or mercenary extortion, to permit a doubt that they are equally unfounded.

The President has witnessed with the most lively satisfaction, the effort of several of the Christian Governments of Europe, to suppress or mitigate these horrors, and he has learned with no common gratification, of their partial success. He is moreover anxious that the active sympathy and generous interposition of the Government of the United States should not be withheld from so benevolent an object, and he has accordingly directed me to instruct you to employ, should the occasion arise, all those good offices and efforts which are compatible with discretion and your official character, to the end that justice and humanity may be extended to these persecuted people, whose cry of distress has reached our shores. I am, sir,

Your obedient servant,
JOHN FORSYTH,
Secretary of State.

It will be observed that in this, the first instance of action taken by our Government on behalf of Jews, there was no pretense of American citizenship, and nothing save the general right to intervene on behalf of justice and to alleviate human suffering was adduced by the President and the Secretary of State.

Though communications from distinguished Jewish citizens at New York, Richmond, and Philadelphia, were sent to the President, these in no wise affected the action of the Government which was taken prior to the receipt of any of the communications. The dispatch before cited and the communications which passed between Jewish citizens of the aforementioned cities and the Department of State have been pub-

lished by our Society, largely in the paper by Mr. Ezekiel, as well as a dispatch of Mr. Forsyth to David Porter, then our minister at Constantinople. There is, however, a brief series of dispatches, as yet unpublished, which passed between Mr. Porter and the Department, concluding with the text of the Firman granted by the Turkish Government. Mr. Porter writes, on October 17, 1840, in the course of his dispatch, "I shall be governed by the benevolent and philanthropic views of the President as communicated in your instructions."

I am rather inclined to lay stress upon these words since, as stated above, they indicate that at this time, sentiments of humanity were considered ample ground for interference on behalf of persons who had no direct or indirect claim upon our Government. The Firman, itself, is a full statement on the part of the Sultan of his absolute disbelief in the blood accusation and it was ordered to be delivered to the Judges of the Empire.

Nothing further occurred in connection with Turkey until 1867, when under date of April 19, Myer S. Isaacs, on behalf of the Executive Committee of the Board of Delegates of American Israelites, called the attention of Secretary Seward to the fact that in the recently organized government of Servia severe laws and a painfully proscriptive administration of them had rendered the condition of the Jewish population deplorable in the extreme. The Department was requested to forward instructions to the Minister of the United States at Constantinople to the end that he might investigate the subject and that if the occasion were deemed fitting, make suitable representations to the Servian government. The Department forwarded the letter of Mr. Isaacs to the Minister at Constantinople, Mr. Morris, instructing him to cause inquiries to be made at the earliest opportunity and report to the Department. His report dated Constantinople, May 31, 1867, is a most unsympathetic document. It is founded on the explanation of the political agent of Servia at Constantinople. It declares that the Jewish population of Servia is

but 1300, and recites charges of usury, of non-assimilation, and of lack of patriotism against the Jews.

On July 11, 1882, the late Gen. Lew Wallace, our Minister at Constantinople, addressed a note to Secretary Frelinghuysen in which he stated that as a consequence of the Jewish exodus from Russia, some of the refugees had reached Constantinople and were starving in the streets, and that his sympathy was excited in their behalf; that he had received a petition asking that his services be rendered unofficially to secure to Jews the privilege of colonizing in such districts of Syria as contained localities available for the purpose. At the instance of Mr. Oliphant and Mr. Alexander, Gen. Wallace states that he visited the Minister of Foreign Affairs, who informed him that the matter had been before the Council of Ministers who had decided that Jews from whatever parts could come and settle in Turkey, that they could settle on any unoccupied lands in Mesopotamia, in Syria, about Aleppo, or in the region of the Orontes River, that they could not establish themselves in Palestine, and that every colonist was bound to become an Ottoman subject. Gen. Wallace accompanied this dispatch with documents that had passed between him and the Minister of Foreign Affairs, ending it up with this phrase: "In conclusion, there is nothing to prevent all the Israelites on the earth from settling in Asiatic Turkey. They shall not settle in Palestine—that is the only prohibition;" a rather significant statement in view of the subsequent development of the Zionist movement. It should be remarked here, again, that the persons on whose behalf General Wallace visited the Minister of Foreign Affairs were not American citizens and his action must have been taken solely upon the grounds of humanity.

A note verbale from the Turkish Minister of Foreign Affairs to Gen. Wallace of January 22, 1884, presents a cause of possible difficulty. The Minister asserts that a certain number of Russian subjects who left their country, about five years before, to live in Palestine had succeeded in having them-

selves admitted as American citizens. Such naturalization he declared could not be recognized by the Imperial Government as legitimate and valid. Gen. Wallace replied on January 24, 1884, regretting that the communication was not definite in its terms, that our consul at Jerusalem was instructed to protect those who had taken out their first papers and had renounced their allegiance to another Government or who had perfected their naturalization as citizens of the United States, but not to protect any who claimed to be American citizens without having taken out their first papers, moreover that "The United States have never admitted the right of a foreign Government to decide upon or nullify in any manner the franchise conferred under its naturalization laws." Gen. Wallace added that, "The consul was instructed to protect naturalized citizens, that he must exhaust the means usual of resort upon such occasions and, failing this, must close his consulate and come away, if possible bringing the threatened people with him." Under the same date Gen. Wallace sent to Secretary Frelinghuysen, a copy of this long dispatch, adding, "I have reason to believe that the movement on the part of the Sublime Porte has application to the little colony of naturalized American Jews who, when visiting Jerusalem, I found resident there, in number thirty-five to forty. They are mostly old men and quite poor, who have betaken themselves to Palestine as the most sacred of places, thinking that if they behave themselves and live orderly lives, they might be permitted to die and be quietly buried there. * * * Permit me to hope that my reply will meet your approval."

Another dispatch on this subject was sent by Gen. Wallace to Secretary Frelinghuysen on January 26. I cannot conclude this reference to the action taken by General Wallace without expressing a sense of gratitude at the deeply sympathetic attitude which this gifted author adopted towards our unfortunate co-religionists.

In 1887 the question of the expulsion of the Jews from Palestine again came up. The Governor of Jerusalem on

August 29, 1887, wrote to Mr. Henry Gillman, then consul at Jerusalem, calling his attention to the fact that Jews who had come to travel and for pilgrimage and who, under the law, were allowed to stay but one month, remained longer. This was reported to the Consular Office of the Department of State and referred by Secretary Bayard, under date of October 31, to Mr. Oscar S. Straus, then our Minister at Constantinople. On December 31, 1887, Mr. Gillman reported to Mr. Straus that whilst Jews belonging to other nationalities had been expelled from Jerusalem and Palestine, no American citizen had been expelled during his connection with the Consulate, that he had held the position that the United States could not consent to have expelled from Palestine any American citizen, and that a fundamental principle of our Government was involved, which prohibits a distinction being made between American citizens on account of their race or religion. In this dispatch Mr. Gillman reports that the Russian, German, and other Governments aided the Turkish authorities in the expulsion of Jews and that the resident Jews themselves were unfavorable to more Jews coming there since it tended to increase the price of living and added nothing to the wealth of the city. There follow, upon this subject, a dispatch from Mr. Straus to Mr. Bayard, and the reply of Mr. Bayard, both of which I desire to quote in full:

[*Mr. Straus to Mr. Bayard.*] ³

LEGATION OF THE UNITED STATES,

CONSTANTINOPLE, January 28, 1888.

Sir.—In answer to your instruction No. 51, of October 31, 1887, I have the honor to report:

Shortly after the receipt of your instruction, I called at the Porte and had an interview with the Grand Vizier on the subject in question. He informed me that a regulation had been communicated by the Porte to the Imperial authorities at Jerusalem to limit the stay of foreign Jews at Jerusalem to the period of

³ Foreign Relations, 1888, page 1559.

one month. At a second interview he further informed me that the council of ministers was about amending the regulation so as to make the period three months. He gave as a reason for such a regulation, that the spirit of religious fanaticism rose to such a high pitch at Jerusalem that at certain seasons of the year, during Easter, the Jews were compelled to remain within their houses to avoid coming in contact with the Christians, who would attack them and perhaps murder them.

The purpose of the regulation was to avoid the possibility of such conflicts.

Another reason was also given by the Grand Vizier as the cause of this regulation, namely, the report that had spread abroad that the Jews throughout the world intended to strengthen themselves in and around Jerusalem with a view, at some future time, of re-establishing their ancient kingdom there.

I explained as to the first contingency, that it could be avoided by a strong force of police. As to the second, the re-establishment of a Jewish kingdom, I informed his highness that if the Porte would make inquiry it could easily satisfy itself that no such purpose actuated the Jews throughout the world. I informed him also that so far as concerned American citizens naturalized or native, it is one of the fundamental principles of my Government to make no distinction as to its citizens based upon creed or race, and that, uniformly in its relation with foreign nations, it had emphatically denied their right to make such discriminations against American citizens. I quoted to him several passages from your correspondence and instructions bearing upon this principle, and referred to the ancient capitulations and the provisions of our treaty with the Ottoman Empire.

His Highness assured me should the authorities threaten to expel any American citizen he would give due weight to the foregoing consideration and give instructions accordingly.

Shortly thereafter the Right Honorable Sir William A. White, the British Ambassador, asked me what position my Government had taken in reference to discriminations made against its citizens who were of the Jewish faith. He said that he desired to know in view of several cases before him arising under the afore-said regulation of the Porte. He stated that the foregoing principles fully coincided with his own sense of duty and convictions, and that he would be guided accordingly.

About the same time I sent a dispatch to our consul general here requesting him to instruct our consul at Jerusalem, Henry Gillman, Esq., to make report whether any American citizens had

been expelled or were threatened with expulsion; also to report such other facts relative to the subject as he might deem important. A copy of his dispatch in reply of December 31, 1887, I herewith enclose.

I have, etc.,
O. S. STRAUS.

[*Mr. Bayard to Mr. Straus.*]⁴

DEPARTMENT OF STATE, WASHINGTON, February 21, 1888.

Sir.—I have received your dispatch No. 57 of the 28th ultimo, relative to the prohibition against foreign Jews settling in Jerusalem, and desire to approve your reported action in respect of American citizens of that faith residing there as discreet and proper.

I am, etc.,

T. F. BAYARD.

A few days later Mr. Bayard sent another extremely significant dispatch which was communicated by Mr. Straus to the Turkish Minister of Foreign Affairs with a very strong statement of the American position.

[*Mr. Bayard to Mr. Straus.*]⁵

DEPARTMENT OF STATE, WASHINGTON, March 5, 1888.

Sir.—I transmit herewith for your information copy of a note addressed to me by Mavroyeni Bey on the 2d instant, and of my reply, both having relation to the treatment of foreign Jews resorting to Palestine.

These notes continue, and importantly enlighten, the subject to which my instruction No. 51, of 31st of October, 1887, and your report No. 57, of 28th January last, had reference.

It appears from Mavroyeni Bey's statement that the regulation of which the Grand Vizier spoke to you, amendatory of the previous iradeh and extending the term of permitted sojourn of foreign Jews in Palestine to three months (instead of one month, as reported in Consul Gillman's No. 26, of September 28, 1887), is coupled with a most obnoxious condition, by prescribing that such alien Israelites shall only be permitted to enter Palestine when bearing passports setting forth "that they are going to Jerusalem in the performance of a pilgrimage, and not for the

⁴ Foreign Relations, 1888, page 1562.

⁵ Foreign Relations, 1888, page 1567.

purpose of engaging in commerce or taking up their residence there; which passports, so drawn up (ainsi libelles) are to be vised by the consuls of Turkey. A further *permis de séjour* is also prescribed to be issued by the Imperial authorities, and although not so stated explicitly, it is inferred that the permission in question is only granted on production of the passport itself; the declaration of which the *permis de séjour* is stated to repeat.

It is regarded as strange that so important a condition as this should not have been communicated to you by his excellency. Had it been brought to your notice, it is conceived that you would have considerably amplified and emphasized your declaration to the Grand Vizier that it is one of the fundamental principles of your Government to make no distinction as to its citizens based upon "creed or race," and that you would have made instant and earnest protest against a requirement which would not only involve a declaration by this Government, expressed or inferential, in its formal passports, of the creed of the citizens to whom they are issued, but would further infringe the laws and practice in the matter whereby this Department and its agents are governed, and which preclude giving to citizens of the United States preparing to go abroad any certificate as to their purpose in so going.

To require of applicants for passports, which under our laws are issued to all citizens upon the sole evidence of their citizenship any announcement of their religious faith or declaration of their personal motives in seeking such passports, would be utterly repugnant to the spirit of our institutions and to the intent of the solemn proscription forever by the Constitution of any religious test as a qualification of the relations of the citizens to the Government, and would, moreover, assume an inquisitorial function in respect of the personal affairs of the individual, which this Government cannot exert for its own purposes and could still less assume to exercise with the object of aiding a foreign Government in the enforcement of an objectionable and arbitrary discrimination against certain of our citizens.

Our adherence to these principles has been unwavering since the foundation of our Government, and you will be at no loss to cite pertinent examples of our constant defense of religious liberty, which, as I said in my note to Baron Schaeffer of May 18, 1885, in relation to the Kelley episode at Vienna, "is the chief corner-stone of the American system of Government, and provisions for its security are embedded in the written charter and interwoven in the moral fabric of its laws."

In case a copy of the Keiley correspondence should not be on file in your legation, I enclose the printed document herewith for your convenience.

It may be well for you to ascertain as discreetly as may be the views of your colleagues in respect of this remarkable requirement of the iradeh in question, of which you should also endeavor to secure a copy for examination; but under any circumstances the impossibility of this Government's acceding to any such requirement should be distinctly made known to the Government of the Sublime Porte.

T. F. BAYARD.

[*Mr. Straus to Said Pasha.*]^o

LEGATION OF THE UNITED STATES,
CONSTANTINOPLE, May 17, 1888.

Excellency.—Respecting the recent instructions placed by the Imperial Ottoman authorities upon foreign Jews going to Palestine, the Secretary of State has referred to me, with definite instructions, a note addressed to him by his excellency Mavroyeni Bey, imperial minister at Washington, bearing date the 2d day of March, 1888, whereby he informs the Government of the United States that, in order to put an end to the immigration of Jews into Palestine, "The Sublime Porte has decided only to authorize free access into Palestine to Israelites coming from foreign countries under the following conditions: Their passports should expressly state that they are going to Jerusalem in the performance of a pilgrimage and not for the purpose of engaging in commerce or taking up their residence there. As regards their sojourn in Palestine, instead of one month, it cannot in any case exceed the space of three months. They must have their passports so drawn up (*Libelles*) vised by the Ottoman consuls and on their arrivals they will be bound to supply themselves with a *permis de séjour* issued by the imperial authorities and couched in the same terms."

I am instructed to inform your excellency that under any circumstances the impossibility of my Government acceding to any such requirement should be distinctly made known to the Sublime Porte.

To require of applicants for passports, which under our laws are issued to all citizens upon the sole evidence of their citizenship, any announcement of their religious faith or declaration of

^o Foreign Relations, 1888, page 1589.

their personal motives in seeking such passport would be utterly repugnant to the spirit of our Constitution and to the intent of the solemn proscription by the Constitution of any religious test as a qualification of the relations of the citizens to the Government, and would, moreover, assume an inquisitorial function in respect of the personal affairs of the individual, which our Government cannot assert for its own purposes and could still less assume to exercise with the object of aiding a foreign government in the enforcement of an objectionable and arbitrary discrimination against certain of our citizens.

I am informed that these restrictive regulations are being very cruelly enforced, not only in Palestine but at the various ports along the Syrian coast, and that foreign Jews upon their arrival at these ports in addition to the foregoing restrictions are compelled to furnish such security to the local authorities that they will again leave the country when the period of three months has expired, and in default of their being able to furnish such security they are thrown into prison.

The foregoing considerations are submitted with the hope that the Sublime Porte will cause these restrictions to be modified or annulled in accordance with the broad principles of toleration that were proclaimed throughout the Ottoman Empire first among the nations of Europe and the Old World, that are embodied in the grand charters of liberties the Hatti-Scheriff and Hatti-Humayoun, and secured to all races and creeds under the capitulations and under treaties with the United States and other nations.

Accept, Excellency, etc.,

O. S. STRAUS.

[*Mr. Straus to Mr. Bayard.*]⁷

LEGATION OF THE UNITED STATES, 1

CONSTANTINOPLE, May 19, 1888.

Sir.—I have the honor to acknowledge the receipt of your instruction No. 78, of March 5 last, with inclosure, respecting restrictions against foreign Jews resorting to Palestine.

Upon investigation I learn that the restrictions have not been made in pursuance of the sultan's iradeh, but result from instructions issued by the Sublime Porte.

In effect, however, there is no difference, as they have been strictly enforced by the Governor of Jerusalem and throughout Palestine as well as at certain ports along the Syrian coast.

⁷ Foreign Relations, 1888, page 1588.

In accordance with your instructions I inquired of two of my colleagues, the English and French ambassadors, their views upon the subject. I learn that they had received from their respective Governments instructions very much in the same sense as I had received from you.

As long since as the 23d of September, 1887, the right honorable Sir William A. White, the British ambassador, sent a note to the Porte protesting against the regulations upon the ground that the right of British subjects to go and come within the Ottoman dominions is secured by the capitulations and confirmed by all subsequent treaties, and that no distinctions of race and creed can be admitted as regards British subjects or protégés whatever religion they may profess.

The French ambassador, Count de Montebello, informs me that he had been instructed to protest against said regulations and that he would be pleased to confer and co-operate with the English ambassador and myself in the matter. Some three weeks since he informed me that he proposed sending a signed note to the Porte protesting against said regulations; that he had also conferred with the British ambassador, who stated that he would take similar action as soon as a new case in point came before him.

As there is likely to be some delay before my said colleagues take the action indicated, in view of your positive instructions, and the fact that I am informed by the Grand Vizier that the regulations in question have been referred to the legal advisers of the Porte for examination and report upon the question of their modification, I deemed it advisable to delay no longer in forwarding my protest so that it might be before the Porte pending the further consideration of the subject and before a final conclusion might be arrived at. I therefore on the 17th instant transmitted a note to the Porte, of which the inclosed is a copy, wherein I followed in the main not alone the spirit but the letter of your very full and explicit instructions, which I found so completely and well adapted for that purpose.

Trusting that the action thus far taken by me will meet your approval, I have, etc.,

O. S. STRAUS.

In August, 1888, a case arose through an attempt to expel three American Jews from Jaffa. An energetic protest was made by the Consul at Jerusalem and the Chargé at

Constantinople. These representations apparently resulted favorably, as is evidenced by the following note.

[*The Ministry of Foreign Affairs to the Legation of the United States.*]⁸

SUBLIME PORTE,

MINISTRY OF FOREIGN AFFAIRS,

October 4, 1888.

In answer to the note verbale that the legation of the United States of America kindly addressed to the ministry of foreign affairs on the 17th of May last (No. 27), the ministry of foreign affairs has the honor to inform the United States legation that the measure concerning the Israelites going to Palestine shall not be applied, except to those who emigrate in number (*en nombre*), and that no obstacle shall be opposed to the sojourn of those who are not of this class.

Instructions of this sense have already been sent to the governor of Jerusalem.

The entire incident formed the basis of the following dispatch from the Department of State to our Consul at Jerusalem:

[*Mr. Rives to Mr. Gillman.*]⁹

DEPARTMENT OF STATE, WASHINGTON, October 12, 1888.

Sir.—Your dispatches, Nos. 62 and 65, dated, respectively, August 30 and September 10, ultimo, have been received. They related to the attempted expulsion from Palestine of three citizens of the United States—Meyer Freeman, Isaac Gliedman, and Jacob Reichman—who having arrived at Jaffa on the 20th of August last by steamer from Port Said, were prevented from continuing their journey to Jerusalem on the grounds that they were Hebrews, and that their passports, issued by the Department of State in July last, did not bear the visa of some Ottoman consul abroad.

It appears that their passports were taken from them (although subsequently returned), and they were notified that they would be required to leave Palestine by the first steamer. Through the efforts of the consular agent at Jaffa, Mr. Hardegg, their at-

⁸ Foreign Relations, 1888, page 1619.

⁹ Foreign Relations, 1888, page 1617.

tempted expulsion was deferred until September 6. One of these persons in question, Jacob Reichman, escaped, on August 27, from Jaffa, while Meyer Freeman and Isaac Glieman, (the latter accompanied by his wife) succeeded in evading the vigilance of the Jaffa police, reached Jerusalem on the 5th of September, and were at once placed under police restraint and threatened anew with expulsion. They were, however, offered their liberty on condition of your signing an assurance that they would remain in Palestine only three months, which you very properly refused to do. They were subsequently released in consequence, as would appear, of a perfunctory and irresponsible guaranty, on the part of a resident of Jerusalem, that they would quit Palestine as required. You had reported the case to our legation at Constantinople, and were awaiting the result, the persons in question remaining at liberty, and the date of their notified expulsion, September 6, having passed without steps being taken to effect their removal.

A report in their case has been received from Mr. King, chargé d'affaires ad interim at Constantinople, who writes, under date of the 24th ultimo (No. 115) that he had actively intervened with the Porte, and caused telegraphic orders to be sent the authorities at Jerusalem by the minister of foreign affairs and the Grand Vizier, which he hoped would stop the attempted expulsion.

Your course on the whole seems to have been proper, and the language employed by you to the Ottoman authorities, although very emphatic, may not have been unduly so in view of the slight amenability of the Turkish provincial officers to temperate reasoning or even to superior orders.

The question out of which this incident grows is not a new one. Under date of 2d March last, Mavroyeni Bey, the Turkish envoy at this capital, informed the Department that in view of the alleged inconvenience of the resort of numerous alien Israelites to Palestine for the purpose of business and residence, the Sublime Porte had decided to authorize the entrance of such persons only on the condition that they bear passports which shall "expressly state that they are going to Jerusalem in the performance of a pilgrimage and not for the purpose of engaging in commerce or taking up their residence there," that the passport so drawn up shall be duly visé by Ottoman consuls, and that on arriving the holders shall be bound to provide themselves with permits of sojourn (*permis de séjour*) issued by the imperial authorities and couched in the same terms as the passports—the duration of such permitted sojourn not to exceed three months.

Mr. Straus was promptly directed to protest against such a measure. As you will see by the inclosed copies of our correspondence, stress was laid upon the total repugnance of the measure to the principles upon which our Government rests and which necessarily determine our treatment of citizens at home or abroad.

The impossibility of making any distinction as to our citizens based upon creed or race precludes any recognition of any curtailment of their treaty rights abroad on such grounds, and in entering into reciprocal stipulations for the mutual advantage and protection of our citizens abroad and aliens of the United States, no qualifications of the sole condition of citizenship could be implied or imposed by the other contracting party without being expressly consented to by us.

No treaty has been entered into between the United States and Turkey to curtail the personal rights or liberty of our citizens, and no such curtailment can now be introduced into our conventional obligations at the will of one of the parties thereto. Still less can Turkey claim as she has appeared to do, our assistance in enforcing a regulation in execution of her claim to apply a discriminatory treatment, the right to which we absolutely deny.

As explained in the Department's reply to Mavroyeni Bey and its instructions to Mr. Straus, the passports we issue can contain no declaration, expressed or inferential, of the creed of the citizens to whom they are issued, or certification of their purpose in going abroad. It is equally incompetent to the Department's agents abroad to make such statements, and still more so to limit the personal freedom of our citizens within their jurisdiction except by due process of law. The guaranty you were asked by the local authorities to give in respect of Freeman and Gliechman would have been expressly and inferentially obnoxious to all objections recited and therefore unlawful. Your refusal to comply with such a request is entirely approved. You can assume no inquisitorial functions in regard to the private and personal affairs of our citizens within your jurisdiction, and so far as their passports are concerned, your official duty is limited to affixing your visa as good for your consular district, and to endeavoring to secure for them, without discrimination, the treatment to which law-abiding citizens are entitled by treaty.

A copy of this instruction will be sent, with transcripts of your dispatches, to Minister Straus for his information.

G. L. RIVES,
Acting Secretary.

Victory for our contention was apparently obtained, as is indicated by the following dispatch from Mr. Straus to Secretary Blaine.

[*Mr. Straus to Mr. Blaine.*] ¹⁰

LEGATION OF THE UNITED STATES,

CONSTANTINOPLE, April 20, 1889.

Sir.—Referring to the subject-matter of the Department's instructions Nos. 74, 107, 111, 140, 154, 168, etc., respecting the restrictions attempted to be placed upon foreign Jews resorting to Palestine, I inclose herewith for your information a copy of a memorial from the Jerushalaim Lodge of the Independent Order of B'nai B'rith at Jerusalem.

From this memorial it appears that the action taken by this legation under the Department's instruction and by the English and French embassies, as reported in my dispatches Nos. 80 and 85 respectively, of May 19 and 28, 1888, has had the desired effect in removing such restrictions.

The original memorial is elaborately engrossed in gold and rubric and written in English and Hebrew. Considerable allowance must be made for the extravagant language in which the memorial is couched, after the manner of the East.

I have sent a reply to the memorialists, stating in substance that I was gratified to learn that the restrictions had been rescinded, and that the action I had taken in the matter was in pursuance of and in strict compliance with the Department's instructions to protect American citizens abroad in their rights and privileges as such, irrespective of race and creed.

O. S. STRAUS.

There is no further reference to Jewish cases in the correspondence with Turkey until 1893 when complaint was made by a certain Hyman J. Roos, or Rose, who stated that he was a naturalized citizen of the United States and alleged that he was prevented by the Turkish authorities from selling and conveying certain real estate owned by him in Jerusalem, because he was a Jew. Secretary Gresham instructed Mr. Terrell to look into the matter, ending his dispatch with these

¹⁰ Foreign Relations, 1889, page 716.

words. "No religious test can be recognized by this Government and equal rights under treaties are claimed for all American citizens, regardless of the faith they profess."

It appeared that Mr. Rose was actually a naturalized citizen of the United States. From the correspondence about him, I select the following dispatch of Selah Merrill under date of May 18, 1893.

[*Mr. Merrill to Mr. Quincy.*]

CONSULATE OF THE UNITED STATES,

JERUSALEM, Syria, May 8, 1893.

Sir.—I have the honor to acknowledge the receipt of your dispatches Nos. 21 and 20, dated, respectively, March 28 and April 20, 1893, both having reference to Hyman Rose and his inability to carry on transactions in land in this country because of a proclamation issued by the Turkish Government forbidding to Jews that right.

The Department is aware that by the treaty all matters pertaining to land, including buying and selling, mortgaging, building, repairs, rents, and the like, are entirely beyond the jurisdiction of the consulate, and are absolutely under the control of the Turkish authorities. They guard this right with the utmost jealousy, and resent anything that appears like interference with their legitimate province. Consequently I have never seen such an order as Mr. Rose refers to, nor has the governor ever sent me any communication on this subject. All the consuls are treated alike in this matter. If the consul were to ask the governor about it, the question would be regarded as an impertinent one. Thus far I know nothing officially about the matter.

On the other hand, I know that the Jews have stopped buying and selling land, and the cause assigned is the same as that given by Mr. Rose. I have repeatedly urged some of our American Jews, since said order was said to have been issued, to make a trial case, bring to me the usual papers, and I would forward them to the governor, and we would soon learn the facts. In every case they have declined to do this, fearing it might involve them in some slight expense. Had they presented such papers to be forwarded as usual, and they had been returned to me I should have then had ground for action, and should have promptly reported the matter to Constantinople and Washington. The consul cannot base a report to the Department upon rumors alone.

I have conferred with Messrs. Frutiger & Co., bankers in this

city, with regard to this matter, and they say that they have reason to think that the order referred to will very soon be modified or annulled altogether. I mention this because this particular firm has more to do with Jewish land transactions than any other firm or individual here. As soon as I become aware of any change I will notify the Department.

The Turkish Government claims the right of discriminating against what it regards as an objectionable class—in this case, the Jews—the same, they say, as the United States discriminates against the Chinese, and the fact that a Jew belongs to this or that nation does not remove him, in their estimation, from the class to which objection is specially made.

Whenever an American citizen wishes to buy land, he presents to the consulate a certain petition, which is forwarded to the governor, according to the two forms inclosed.

SELAH MERRILL.

The dispatch which follows indicates that this incident was closed favorably to the contention of Mr. Rose.

[*Mr. Gresham to Mr. Terrell.*] ¹¹

DEPARTMENT OF STATE,

WASHINGTON, August 19, 1893.

Sir.—I have received your No. 23 of the 29th ultimo, concerning the complaint of Hyman Rose, an American citizen, in the matter of the refusal of the authorities at Jerusalem to permit him to sell his real estate.

It would appear that the objections of the grand vizier lie against the acquisition of lands by non-residents for speculative purposes, and that in imposing upon Mr. Rose an obligation to sell his land to "a citizen" or to "a purchaser not an alien," his excellency is not to be understood as announcing any purpose to impede the bona fide purchase of lands in Turkey by American citizens under the existing real estate protocol.

W. Q. GRESHAM.

In 1894, there was again difficulty about Jews landing in Jaffa, it being insisted that they should make a deposit to guarantee that they would leave in 30 days. Our Government strongly protested against this, but at the conclusion of one

¹¹ Foreign Relations, 1893, page 669.

dispatch of Secretary Gresham to Minister Terrell there is an important admission which had not hitherto appeared in the Correspondence.

[*Mr. Gresham to Mr. Terrell.*] ¹²

DEPARTMENT OF STATE,

WASHINGTON, November 7, 1894.

Sir.—Your dispatch No. 324, of the 16th ultimo, relative to the harsh treatment of Jews, temporarily resorting to Jerusalem, has been received.

The restriction of the sojourn of visiting Jews in the ancient capital of their race has been enforced for several years past. Mr. Straus in his No. 57 of January 28, 1888, touches upon the ostensible reasons for this limitation, which was originally fixed for one month and was about that time prolonged to three months. Extended correspondence in regard to the effect of this measure upon American Jews going to Jerusalem is printed in the second volume of Foreign Relations for 1888.

The arbitrary interferences with this class of voyagers which your dispatch reports, such as the detention of their personal effects at Jaffa in order to make their prolonged sojourn in Judaea impossible or difficult, should properly call forth urgent remonstrance in the event of injuring any citizen of the United States; and should your surmise that the intolerant course of the Turkish officials in that quarter is prompted by corrupt motives be verified, those unworthy agents will doubtless be severely rebuked by the high authority of the Porte itself—which cannot be supposed to countenance extortion in any form.

As regards the duration of the period during which law-abiding citizens of the Jewish faith may propose to visit Jerusalem, this Government neither draws nor admits any presumption of intended permanent domicile there from the mere fact of resorting thither. Abandonment of American residence and consequent loss of the right to protection due to bona fide citizens can only be determined by the fact of each case as it may arise. As the records of your legation and of the consulate at Jerusalem will show, this Department has heretofore had occasion to deal with such cases on the facts, and has not hesitated to withdraw the protection when permanent domicile in Judea was shown without evident intent to return to this country.

W. Q. GRESHAM.

¹² Foreign Relations, 1894, page 752.

The last question of which note is taken occurred in 1901 and is described in the following dispatches.

[*Mr. Griscom to Mr. Hay.*] ¹³

LEGATION OF THE UNITED STATES,

CONSTANTINOPLE, January 31, 1901.

Sir.—I have the honor to transmit herewith inclosed a copy of a dispatch from Consul Merrill at Jerusalem, wherein he reports that he has been notified of a new order issued by the Ottoman minister of the interior in relation to foreign Jews who visit Palestine. The order applies to all Jews who come to Palestine from other countries as pilgrims or visitors, and it provides as follows:

On arriving at Jaffa the visitor must deliver his passport to the Turkish authorities and receive in return a Turkish document. The visitor is allowed to reside in the country three months, at the expiration of which time he must surrender his Turkish permit, receive his passport and leave. In case they do not leave when requested at the expiration of the time allowed, the consuls of different nationalities are to be called upon to compel their subjects to depart.

Mr. Merrill points out the only hold the consulate has on naturalized American Jews in Palestine is the possession of their passport and citizenship papers. Also, they do not always depart at Jaffa, the usual point of arrival. If they do not leave at the expiration of three months, the consul must have authority to send them away in case they refuse to go. The refusal is generally given on the grounds of having no money.

As I am transmitting this dispatch at once for the information and instructions of the Department, I have not yet ascertained what action, if any, the other foreign missions propose to take in this matter.

LLOYD C. GRISCOM.

[*Mr. Hay to Mr. Griscom.*] ¹⁴

DEPARTMENT OF STATE,

WASHINGTON, February 28, 1901.

Sir.—I have to acknowledge the receipt of your dispatch No. 316 of the 31st ultimo, reporting that you are advised by the

¹³ Foreign Relations, 1901, page 516.

¹⁴ Foreign Relations, 1901, page 517.

United States consul at Jerusalem that the Ottoman minister of the interior has issued a new order respecting the sojourn in Palestine of foreign Jews who go there as pilgrims or visitors.

You state the provisions of the order and request instructions in the premises.

Setting aside the objectionable feature whereby a racial or religious distinction is made in regard to Jews, and of which feature this Government finds difficulty in taking official cognizance, in view of our constitutional inhibition against any disability founded on creed, the Turkish order now reported appears to establish the rule of three months permitted sojourn of American visitors to Palestine, for which we always have contended. See instructions to Mr. Straus, No. 13, dated October 14, 1898, and subsequent correspondence, on the subject of the Ottoman regulations respecting the entrance of foreign Jews into Palestine.

It should, however, be made clear to the Turkish authorities that the consuls of the United States in Turkish jurisdiction are neither directed nor permitted by law to assist the Turkish officers in their execution of municipal laws or regulations, and therefore could not intervene to constrain the departure of an American citizen from Turkish jurisdiction. Neither can the consul be called upon to forego the performance of his duty in case an American citizen should be harshly dealt with in contravention of treaty or law.

As the consul is without authority to compel a visiting American citizen to deposit his passport and citizen papers in the consulate it would seem that he is not in a position to contest the Turkish requirement that such papers be surrendered to the Ottoman officers during the time of sojourn in Palestine.

JOHN HAY.

The correspondence with Turkey has been rather fully given because of the interest which all Jews must have in everything that relates to Palestine. I ought to add, of my personal knowledge, that the attitude of the Turkish Government strongly expressed to me in 1891 by the then Grand Vizier, Kiamal Pasha, one of the most distinguished statesmen which the Ottoman Empire has produced in modern times, and one entirely sympathetic to Jews, was that, though the Ottoman Government welcomed the settlement of Jews in

any other part of the Empire, it was opposed to any considerable settlement in Palestine itself.

SWITZERLAND.

It may not be so well known to students that the next land to be considered chronologically in this address must be Switzerland, though readers of the publications of this Society have been able to inform themselves through the paper of Mr. Stroock, of New York, entitled "Switzerland and American Jews," which was read at our New York meeting in 1903 and appeared in No. 11 of our publications. I may be permitted to say in passing that it is one of the most instructive papers ever read at a meeting of our Society. Mr. Stroock, in discussing the difficulties with Switzerland, gives a complete picture of the agitation which led up to the vigorous action of our Government. Closely adhering to my particular theme, I am limited to the official documents. Some idea of the importance which this subject attained may be gathered from the bare statement that in volume the diplomatic correspondence of the United States in the years 1853-1860, with Switzerland, concerning Jews, is almost as great as the correspondence available up to the present day with Russia upon the same general subject.

With Switzerland, the first question raised is upon the basis of American citizenship. Mr. Fay, our minister, reported from Berne, under date of Oct. 17, 1853, that a Mr. Gootmann had received from the authorities of Neuchatel and Chaux de Fonds, two successive orders to quit the country on the ground of his being an Israelite merchant. He stated further that most of the counties of the canton had adopted liberal principles with regard to the right of domicile, but in this particular place the situation was complicated by the proximity of Alsatia, with a Jewish population said to be of low description. It does not appear that Mr. Fay at first showed the same vigor in the position he assumed as has been noticed in the dealings with Turkey, witness the following paragraph

from his dispatch on the subject, though I ought to add that as he warmed up to the subject no one could have been more vigorous than he.

LEGATION OF THE UNITED STATES,¹⁵

BERNE, August 31, 1853.

The undersigned, minister resident of the United States of America, has the honor to lay before their excellencies, the president and other members of the high federal council, copy of communication from Mr. A. H. Gootman, who has been by the municipal council of la Chaux de Fonds refused permission to reside in the canton, for the reason that he is an Israelite merchant.

Although the right of a government to deny to strangers the privilege of residing on its territory cannot be disputed, and an article of the federal constitution of Switzerland guarantees the free exercise only of Christian forms of worship, yet the undersigned trusts that the liberal policy of the United States government in permitting every citizen of Switzerland freely to reside on its territory, and pursue under the protection of its laws every field of industry, may be borne in mind and reciprocated.

The undersigned, in soliciting the obliging intervention of the high federal council in favor of the application of his countrymen, has the honor to reiterate the assurances of his most distinguished consideration.

THEO. S. FAY.

Another dispatch indicates more clearly the fact that our Minister was not adopting a very strong policy.

[*Mr. Fay to Mr. Marcy.*]¹⁶

LEGATION OF THE UNITED STATES,

BERNE, February 14, 1854.

Sir.—I had the honor to communicate in my No. 25, under date Berne, October 17, 1854, a correspondence with the federal council upon the subject of a Mr. Gootmann, an American citizen, who had been expelled by the authorities of Chaux de Fonds,

¹⁵ Executive Documents, Vol. 76, page 3.

¹⁶ Executive Document, Vol. 12, page 6.

canton of Neufchatel, on the ground of his being an Israelite merchant.

Subjoined is a letter from Mr. Gootmann, who, it appears, has been permitted to remain at Chaux de Fonds, as I conclude, in consequence of my interposition. I did not reply to him definitively, because I had not received any definite communication from the federal council. I have now advised him (the note annexed) to accept as a favor, without demanding as a right, the permission to remain where he is until the point may be decided by the pending treaty.

I have the honor, sir, to be, with the highest consideration, your obedient servant,

THEO. S. FAY.

Hon. William L. Marcy,
Secretary of State.

UNITED STATES LEGATION,¹⁷

BERNE, March 27, 1856.

The undersigned, minister resident of the United States of America, has the honor to ask from their excellencies, the president and other members of the high federal council, their obliging intervention with the government of the canton of Neufchatel in order to obtain for Mr. A. H. Gootmann a *permis de séjour* in that canton. Mr. Gootmann is an American citizen, against whom, except that he is an Israelite, there is not the least objection.

By the annexed certificate it will be seen that he has already transacted his affairs at Chaux de Fonds during five years, and that he enjoys the entire confidence of very respectable persons. He disposes also of sufficient capital for the business in which he is engaged.

It is true that the treaty of 1850 does not grant to Israelites the right of domicile in Switzerland; but considering the character of Mr. Gootmann, and the recommendations which he possesses, the undersigned ventures to hope for a favorable result; and he profits by the occasion to renew to their excellencies, etc., etc.,

THEO. S. FAY.

Correspondence about this case continued until 1856, when it seems to have been satisfactorily settled, but the agitation

¹⁷ Executive Documents, Vol. 76, page 8.

which it occasioned brought up the question of the revision of the existing treaty with Switzerland. Mr. Fay writes to Mr. Cass, under date of October 13, 1857, that "the obnoxious clause of the treaty was unavoidable, without a revision of the federal constitution of Switzerland." This dispatch and a brief reply of Cass are rather significant.

[*Mr. Fay to Mr. Cass.*] ¹⁸

UNITED STATES LEGATION,
BERNE, October 13, 1857.

* * * * *

Sir.—I perceive by an American newspaper that there has been a meeting of Jews in the United States upon the subject of our treaty with Switzerland. It may be superfluous to repeat that the obnoxious clause in the treaty was unavoidable without a revision of the federal constitution of Switzerland.

The exclusion of the American Israelites is not even required by the interests of Switzerland. It is true the admission of American Jews would necessitate that of Jews of other nations, and particular inconvenience is apprehended from the usurious Israelitish population of the French province of Alsace. But this would not be considered nor would any other be considered, a sufficient reason for excluding the American Jews from the treaty. There is but one reason, viz: that no change can be made without revising the constitution. The real demand of the Jews, therefore, is that Switzerland shall alter her constitution. This is a question of greater difficulty. I am unable to say whether such a demand could be acquiesced in. In some cantons, particularly that of Aargau, the Jews are admitted.

THEO. S. FAY.

[*Mr. Cass to Mr. Fay.*] ¹⁹

DEPARTMENT OF STATE,
WASHINGTON, D. C., November 5, 1857.

Sir.—Your dispatches to No. 258, of the 13th ultimo, inclusive have been received.

Since the meeting of Jews, to which you refer, upon the sub-

¹⁸ Executive Documents, Vol. 76, page 11.

¹⁹ Executive Documents, Vol. 76, page 12.

ject of the treaty between the United States and Switzerland took place, memorials, numerously signed by respectable Israelites, against the obnoxious clause in the treaty, have been presented to the President, and by him referred to this department. I am directed by him to instruct you to use all the means in your power to effect the removal of the odious restrictions complained of, which, it is understood, are contained in the laws of but four of the Swiss cantons. You are requested to inform the department upon this point, and to state the names of the cantons in which these laws exist.

LEWIS CASS.

In this instance it would appear from the following documents that the attitude of Jewish citizens had much to do with altering the position taken by our Government and in awakening our minister to the importance of the questions involved.

[*Mr. Fay to Mr. Cass.*] ²⁰

UNITED STATES LEGATION,
BERNE, November 23, 1857.

* * * * *

Sir.—I perceive by the *National Intelligencer* of November 2 that memorials have been presented to the President by the committee of a national Hebrew convention, and that the President stated instructions upon the subject had been forwarded to this legation. No such instructions have yet been received.

The following paragraph formed part of my dispatch No. 259:

"The exclusion of the American Israelites is not even required by the interest of Switzerland. It is true the admission of American Jews would necessitate that of the Jews of other nations; and particular inconvenience is apprehended from the usurious Israelite population of the French province, Alsace. But this would not be considered, nor would any other be considered, a sufficient reason for excluding the American Jews from the treaty. There is but one reason, viz: that no change can be made without revising the constitution. The real demand of the Jews, therefore, is that Switzerland shall alter her constitution. This is a question of greater difficulty. I am unable to say

²⁰ Executive Documents, Vol. 76, page 12.

whether such a demand would be acquiesced in. In some cantons, particularly that of Aargau, the Jews are admitted."

I would wish carefully to avoid affording encouragement to the Hebrews. At the same time I see a certain possibility; and should I be honored with instructions, I shall earnestly undertake what I consider a just cause, as every oppression exercised against that people is as contrary to the spirit and letter of the Holy Scriptures as to the principles of civilization, and to the dignity of the United States and other free governments.

THEO. S. FAY.

UNITED STATES LEGATION,²¹

BERNE, December 3, 1857.

The undersigned minister resident of the United States has received instructions from his government to call the attention of the high federal council to the treatment occasionally applied to that portion of American citizens professing the Hebrew faith.

The undersigned is aware that certain reasons are supposed to exist for the treatment alluded to, but he believes they will disappear upon examination, and that, while the true material interests of Switzerland would not be impaired by a compliance with the solicitation of his government, it will be found that such compliance is not irreconcilable with existing constitutions and laws.

Before presenting his views, the undersigned has the honor respectfully to request:

1st. The names of the cantons in which restrictions against Israelites have not been abolished.

2d. What the exact nature of the legislation is, as far as it can be applied to American Israelites.

3d. If any satisfactory reason exists for refusing to thousands of highly respectable American citizens the reciprocal equality required by the spirit of the treaty, and accorded to all Swiss upon every part of the territory of the United States.

The undersigned profits by the occasion, etc.,

THEO. S. FAY.

To their excellencies, the President

And the other members of the High Federal Council at Berne.

²¹ Executive Documents, Vol. 12, page 14.

[*Mr. Fay to Mr. Cass.*] ²²

UNITED STATES LEGATION,
BERNE, January 19, 1858.

Sir.—As I am yet without answer to my note on the Israelites, I called yesterday on the vice-president, Mr. Staempfi. The severe illness of the president, Dr. Furrer, and also of Mr. Pioda, chief of the department of the interior, is probably one of the causes of the delay. Mr. Staempfi promised to expedite the matter as far as possible, and represented himself as anxious to promote our design.

I have not much expectation of being able to obtain at this moment all we wish. The subject ought not to be pressed without regard to real difficulties. Persia has recently asked equality for her Mohammedan subjects, and a proposed treaty has consequently fallen through. The same demand in favor of Israelites has been already at different times presented by other governments. Both England and France have been refused, and this fact somewhat complicates the question. It is not one to be solved by too great pressure, which would rather delay than promote the desired purpose. What would the United States Government reply should France and England require a change in our Constitution? and what would France and England say if a concession, refused to them should be instantly accorded to the United States? Supposing Switzerland inclined to yield to our demand, could she do so without danger to herself? Should we be willing to force upon her a precedent which, once recorded, might subject her to similar requirements from other quarters directed against other clauses of her Constitution? In short, sir, you will expect me to conduct the correspondence in view of these considerations without losing sight of our object. Switzerland is justly sensitive as to the interference of foreign powers, and can and will concede more to forbearance than to threats. I have little doubt that the restrictions complained of, if not prevented by imprudent foreign interposition, will disappear in the course of ten years.

After receiving the report of the different cantonal legislatures, I shall endeavor to present the question in so clear a light as to demonstrate that a more liberal course is required by the dignity and even by the material interest of Switzerland herself. I hope also to procure a larger interpretation of the

²² Executive Documents, Vol. 76, page 16.

law in favor of our fellow citizens, that some practical benefit may immediately result.

* * * * *

THEO. S. FAY.

[*Mr. Fay to Mr. Cass.*] ²³

UNITED STATES LEGATION,

BERNE, March 9, 1858.

Sir.—President Furrer being ill, I called this morning upon Vice-President Staempfli to inquire the cause of the delay in answering my note upon the subject of the Israelites, communicated December 3, 1857. He said application had been made to the cantonal governments for the desired information, which had not yet arrived, and which he would place in my possession as soon as possible. He added that public opinion in Switzerland was changing upon the subject of the restrictions complained of. I replied I was sure my government had no intention to make any imperative demand of a nature to embarrass. I should be glad to communicate to it the state of legislation as soon as convenient, and in my note to the federal council I should endeavor to treat the question with all true delicacy, but presenting such suggestions as it seemed to me must promote a speedy general movement in a more liberal direction. There is, as before stated, considerable sensibility upon all foreign interference. I must respect this natural sentiment.

THEO. S. FAY.

In 1858, while the subject matter of this correspondence was pending, a new case arose, that of Mr. Sigmund Muhlhauser.

[*Mr. Fay to Mr. Cass.*] ²⁴

UNITED STATES LEGATION,

BERNE, April 13, 1858.

Sir.—I have the honor to communicate a note which I have just addressed to the federal council, April 9, on the subject of a new act of intolerance, by Basle-Ville, against an Israelite American citizen, Mr. Sigmund Muhlhauser, whose passport was

²³ Executive Documents, Vol. 76, page 17.

²⁴ Executive Documents, Vol. 76, page 18.

signed by yourself September 17, 1857. Of his standing and character I have had no proof, but not the least reason to suppose anything derogatory. He applied for permission to reside and carry on his business as an optician in Basle, and received for answer copy of a decree of the executive council to the effect that his application could not even be considered from the fact of his being an Israelite. I have the honor to annex copy of this decree, and also of his complaint to me.

The half canton of Basle-Ville occupies a surface of about a German square mile, possesses several communes, and touches on either side France, and the Grand Duchy of Baden. One hundred and seven Israelites, by the statistical table, reside there. I have simply presented his case, reserving remarks for a future note.

I have availed myself of the occasion to remind the federal council that I am patiently waiting a reply to my note of December 3, 1857.

I beg your indulgence, sir, for what may seem lukewarmness in my manner of conducting this correspondence. I feel, on the contrary, a particular desire to call the serious attention of Switzerland, her governments and people, to the disgraceful state of this question. In order to do so successfully, I must proceed with great delicacy, avoid any national susceptibility, and anticipate in my note the principal points which can be alleged in reply. It would be useless to deny that they have the law on their side. I must, therefore, only endeavor to show that the law is as much in conflict with the real material interests as it is with the reputation of a free and civilized country.

* * * * *

THEO. S. FAY.

It will be noted that the Minister, Mr. Fay, is apologizing to the Secretary of State for "what may seem lukewarmness in my manner of conducting this correspondence."

[*Mr. Cass to Mr. Fay.*] ²⁵

DEPARTMENT OF STATE,
WASHINGTON, April 17, 1858.

Sir.—Your dispatches to No. 282 inclusive have been received. The President learns with pleasure that your efforts in behalf

²⁵ Executive Documents, Vol. 76, page 22.

of the American Israelites in Switzerland have not been relaxed. The removal of the restrictions contained in the cantonal laws so oppressive to Jewish citizens of the United States is, as you are aware, a matter which the President has much at heart; and he indulges the hope that the measures taken by you to secure that result may be successful.

LEWIS CASS.

At this point, the Department of State apparently referred the matter to Jonas P. Levy, whose reply which is transmitted is of great interest.

No. 464 SEVENTH STREET,²⁸

WASHINGTON, July 12, 1858.

Sir.—I have the honor to acknowledge the receipt of your communication dated the 10th instant this day. The following are replies to his interrogatories, trusting that they will enable him to bring the subject of controversy to a close with a satisfactory result.

I have the honor to subscribe myself, yours, very respectfully,
JONAS P. LEVY.

Hon. Lewis Cass,
Secretary of State.

1st question. About 400,000 Israelites.

2d question. On an average with the wealthiest Christian citizens.

3d question. No particular class, but in all and every honorable and respectable profession.

4th question. They hold the highest trust under our government. Members of Congress, Senators, majors of the army, and captains of the navy and merchant service, counsellors-at-law, and medical doctors, aspire to the highest trust in the gift of the people of the United States.

5th question. Thousands; merchants, mechanics, officers of the army and navy, and gentlemen of all the liberal professions and wealth with their families.

6th question. Nearly every part of the world where freedom and religious liberty exists.

7th question. Great Britain, France, Holland, Russia, Ger-

²⁸ Executive Documents, Vol. 76, page 57.

many, and Turkey. Spain and Portugal are in a manner ruled, and some of their highest offices filled, by Israelites.

The United States contain about 200,000 native-born Israelites. The archives of the criminal courts of the United States cannot show one case in each million of her inhabitants for murder, arson, or highway robbery against the Israelites.

Though last, not least, the Israelites never seek to make a proselyte or interfere with the doctrines of other sects.

[*Mr. Cass to Mr. Fay.*] ²⁷

DEPARTMENT OF STATE,
WASHINGTON, July 29, 1858.

Sir.—The questions propounded in your 295, respecting American Israelites were referred to Mr. Jonas P. Levy, of this city, whose reply you will find in the enclosed copy of a letter addressed to this department on the 12th instant, and received to-day. It was accompanied by a letter to you from Mr. Levy and a newspaper, both of which are transmitted.

Your dispatches to No. 296, inclusive have been received.

LEWIS CASS.

[*Mr. Fay to Mr. Cass.*] ²⁸

UNITED STATES LEGATION,
BERNE, October 28, 1858.

Sir.—The *Berner Zeitung* of the 26th instant mentions with disapprobation and even contempt the illiberality of the government of Thurgau in having recently refused the right of establishment to another Israelite, said to be an American citizen. As this person has not addressed a complaint to the legation, I have thought it best to take no official notice of it, for I wish to avoid making violent demands which we have not legal right to make, and which would only irritate and diminish the probability of a satisfactory termination of my correspondence.

The printed paragraph reads as follows:

“The Council of State of the canton of Thurgau has just refused the right of domicile to an Israelite pleading his American citizenship. The Thurgovian Christianity must be in a very tottering state to be frightened by a son of Abraham.”

Some time ago I received a copy of the *Israelite*, an American

²⁷ Executive Documents, Vol. 76, page 56.

²⁸ Executive Documents, Vol. 76, page 57.

newspaper, containing an article upon the Swiss restrictions against the Israelites, with an account of the visit of the editors of the *Israelite* and the *Deborah*, and of other Jewish gentlemen, to the State Department in August last, and an extract from my dispatches, with the résumé forwarded by me of the legislation of the cantons with regard to the Jews.

I thought it proper to show this to President Furrer, who had it translated and placed upon the table of the federal council. The article contained some biting remarks in language the most unreserved; but I thought it better to show it myself rather than it should be sent by any one else. I have no doubt copies of it will be communicated to the cantonal government, and that a good effect will be produced, although not so good as if the language had been less strong than the arguments.

I had an interview with President Furrer this morning. I told him I was deeply interested in bringing this matter to a fair conclusion. There was much to be said on the Swiss side, I knew; but there was much also on the American side. I was busily preparing my note. He had seen my solicitude to avoid indiscretion in asking of Switzerland anything more than was just, wise, consistent with her independence, and required by her material interests. He said there was a very strong spirit in some of the cantons, particularly in Basle-Campagne, and began telling how many Israelites there were in Switzerland. I told him I believed I knew and had counted nearly every one; that the question might be easily settled to the satisfaction of the American government and of all the respectable Israelites of the United States. He said there was the constitution, and there was the absolute sovereignty, on that point, of the canton governments. I replied I could not feel satisfied that the question would be properly examined, when my remarks to the federal council were always met by the plea of incompetency; and I inquired whether it would be agreeable for me to negotiate directly with the cantonal governments. He said, no, not officially, not in writing; but there could be no objection to personal intercourse. I replied—supposing the cantonal magistrates to be reasonable men—I thought they would not even desire to refuse the just demands of the American government, when they plainly understood what it was and what it was not. He said it was very probable I could do much by endeavors of that kind.

I shall present my note to the federal council, and then, if not, sir, instructed to the contrary, undertake to press my views personally upon the leading magistrates of the most illiberal can-

tons. Our friends on the other side of the Atlantic must have patience, and understand that nothing can be done by precipitation, and still less by bullying. Switzerland in the matter stands upon her constitution and laws, and the United States government would be the last to use intimidation. We must influence by reason. This, I believe, can be done in the way I propose. One paragraph, like that above cited from a popular Swiss newspaper, pointing the finger of ridicule, helps our cause more than any threatening note I could write.

I have, etc.

THEO. S. FAY.

[*Mr. Fay to Mr. Cass.*] ²⁹

UNITED STATES LEGATION,

BERNE, November 9, 1858.

* * * * *

Sir.—The Israelite question unfolds itself with continually increasing interest. I am earnestly engaged on my note, in which I propose to hold up the entire question so that its true character cannot be denied. The mouth of all foreign governments and preceding treaty makers has been till now closed by a plea of the Alsatian Jews. I think, after the *renseignements* which I am now collecting, no Swiss authority will ever dare to advance that objection again as an argument and I am more and more of the opinion that it may become expedient to denounce our treaty, until the expunction of the offensive clause.

I propose a visit to Alsatia (but six or eight hours' distant by railroad), partly that I may examine with my own eyes, and partly that I may consult Mr. Nordman, a learned Israelite rabbi, by whose assistance, I understand, I may complete my table of Jewish statistics.

I have, etc.,

THEO. S. FAY.

On May 26, 1859, Mr. Fay presented his long-promised Israelite note to the Swiss Government. This document occupies many pages and is a review of everything that went before in the dispatches between our legation and the Swiss Government. He takes each canton and summarizes its pro-

²⁹ Executive Documents, Vol. 76, page 60.

scriptive laws. He does not hesitate to refute in vigorous language all the charges made against the Jews. He points out the business and economic disadvantages resulting from the Swiss policy. He ridicules the idea that a country which would permit the 26,000,000 of American citizens to come into Switzerland freely, should be afraid of the small proportion of American Jews who might come there. Shifting his argument at times from that of the point of view of an American citizen he refers to the illiberality of certain cantons which prohibit Jewish worship and quotes a letter from a Protestant clergyman which relates to Jews who died in a certain canton and who had to be carried over the French frontier for burial. He dwells upon this point, saying that if the American people were to learn (which they might do at any time) that one of their countrymen, dying in Switzerland, had been obliged to be carried by the mourning relatives to receive the last rites in France or Austria, they would consider it a strange return for the admiration they have always entertained for their sister republic, as holding a place in the first rank of liberty and civilization. Numerous arguments favorable to the Jews are advanced, the Alsatian Jews are defended against the charges made against them, and the growth of civil liberty in Continental States is brought out. The fling made against the institution of slavery in America is dismissed as having no relation to the subject, since no Swiss coming to the United States is injured thereby. The document is really strong and convincing and deserves to be better known to the present generation than it is. With the permission of the Department, Mr. Fay had this note printed in the German and French languages, no doubt a most unusual attempt to influence public opinion in a foreign country, and he reports, under date of October 6, 1859, that the edition was nearly exhausted, and that he had received many favorable expressions with regard to the emancipation of the Jews in Switzerland as well as the free admission of the American Jews which was the original intention. In subsequent dispatches, he reports

favorable action on the part of one or another of the cantons and transmits the debates in the Council. The following dispatch relates to the Zurich:

[*Mr. Furrier to Mr. Fay.*] ⁸⁰

BERNE, October 25, 1859.

Honorable Sir.—With the present, I have the satisfaction of transmitting a debate in the general council of Zurich, by which you will see that an immense majority of the council is disposed to change the legislation respecting the Israelites, in the interest of humanity and progress. Let us hope that this example will not be without consequences.

Be as good as to accept, honorable sir, the assurance of my distinguished consideration.

D. FURRIER.

Many other cantons followed. Gradually, one after the other removed all restrictions against the Jews, and the Swiss constitution, adopted in 1874, established religious liberty and made the question of the treatment of aliens a federal matter. While it might have been expected that such a result would have been eventually attained, there can be no doubt that the steady and persistent policy of the United States in this matter, even after France had failed, contributed largely to the result.

It should be remarked that the policy of the United States with regard to Switzerland was most vigorous under the Presidency of James Buchanan.

MOROCCO.

Morocco is the next country to be taken up in chronological order. It was in the midst of the Civil War that the Department first turned its attention to Jewish affairs in that country, being moved thereto both by the reports of our consul at Tangier and by a communication from the Board of Delegates of American Israelites under date of November 25,

⁸⁰ Executive Documents, Vol. 76, page 99.

1863. Atrocities and barbarities had been perpetrated upon the Jews of Tangier; innocent persons had been tortured. The Board of Delegates requested that our consul be authorized to co-operate with the British authorities in furthering the mission of Sir Moses Montefiore. The memorial stated as a precedent the action taken under President Van Buren in the Damascus case. Secretary Seward wrote to our consul general that he was authorized "to exercise all proper influence to prevent a repetition of the barbarous cruelties to which Israelites in the Moorish Empire have on account of their religion been subjected," adding that such course was dictated by common humanity.

Under date of November 5, 1863, our consul at Tangier, Mr. Jesse H. McMath, in forwarding a communication from the Jewish community at Tangier states: "However, I feel it to be my duty to say that the representations made to the Board of Deputies in London and the Israelitic alliance in Paris, instead of mitigating (if not from some other cause) have certainly aggravated the condition of the Jews of this country."

It should be said that some of the atrocities complained of were instigated by a Spanish vice consul in Morocco.

Mr. McMath, under date of January 12, 1864, reports to Secretary Seward the success of the visit of Sir Moses Montefiore to Madrid. He refers to the terrible execution of two Jews without the least shadow of conviction or guilt, and closes his dispatches by saying "in view of all the circumstances and upon the authority of your late instructions, at the same time exercising the greatest care for the just rights of all concerned, I believe it to be my duty, in the name of humanity, to exert my influence with His Majesty's government to prevent any injustice to this race."

On May 15, 1865, Mr. McMath reports another outrage against Jews, one of whom was a clerk to the American vice-consul and therefore American protected. He, in conjunction with the British minister, the Spanish minister and the

consul general of Portugal, had taken active and successful steps in the matter.

Again in 1878, the condition of the Jews in Morocco finds its way into the Diplomatic Correspondence.

[*Mr. Benshilton to Mr. Mathews.*] ⁸¹

ARZILA, August 11, 1878.

Sir.—I have the honor to inform you, with much regret, that yesterday the Moors killed a Hebrew, by the name of David or Jacob Ederhy, quite close to this town, and that all the environs and gardens of this town are infested with thieves and assassins getting ready to enter and plunder the Israelites, who already do not risk to go out of town for fear of being assassinated and robbed. Thus they are prevented from earning their daily bread at the various markets, and consequently their sufferings on these days of famine, sickness, and misery are great.

For several days past these highwaymen and evil-doers have attempted to scale the town walls; also they tried to break its gates; and all this is taking place for the want of government and police.

In vain we have appealed to the governor of Laraiche for help; and now all the Hebrews of Arzila have come to me to appeal to you in the name of humanity, that, with your influence and goodwill you may speak on our behalf with the Moorish Government, and obtain for us some troops that may drive the malefactors away from this neighborhood and protect our lives and properties, now in the most imminent danger; and this act of yours will be a favor which God Almighty will reward you with his blessing and much happiness.

W. L. BENSHILTON.

[*Mr. Benshilton to Mr. Mathews.*] ⁸²

ARZILA, August 22, 1878.

Sir.—I have the honor and great satisfaction to inform you that at nine o'clock this morning 50 soldiers, with their chief, entered this town from Laraiche, sent by the governor of that city for the purpose of defending the lives and property of the Jewish inhabitants of this town, according to your request to the minister of foreign affairs of Morocco.

The inhabitants of Arzila, in the name of whom I have the

⁸¹ Foreign Relations, 1878, page 691.

⁸² Foreign Relations, 1878, page 692.

honor to address you, are full of gratitude toward you for the amiability and prompt attention you have shown in their hour of peril, and implore of the Almighty God that he may reward you with much happiness and prosperity in union of your children, who may God preserve for infinite years.

W. L. BENSHITON.

[*Mr. Mathews to Mr. Evarts.*] ³³

CONSULATE OF THE UNITED STATES,

TANGIER, September 20, 1878.

Sir.—I have the honor to acknowledge the receipt of your dispatch No. 132, dated July 2, 1878, together with its accompaniments, relative to the request of the president and vice-president of the board of delegates of American Israelites, New York, requesting that I should be instructed to inquire into the condition of the Jews of this empire, and to consult for the amelioration of their status, and to take such steps toward the accomplishment of the end desired, consistent with my international obligations with this government.

I am happy to state that my relations with this Government of Morocco are such that I can exercise my unofficial duty on behalf of the Israelites in this country with good result when required, as it has been the case lately, when a Jewish family was murdered near Laraiche, and another Israelite near Arzila, and the town itself menaced by the Kabyles, who were preparing to murder and plunder all the Israelites in the place. Having received a letter to this effect from the elders of the Hebrew community of Arzila, I lost no time in communicating the same personally to the Moorish minister of foreign affairs, who at once dispatched a messenger to the governor of Laraiche, who, on receipt of our letters, immediately ordered a Kaid, and fifty soldiers to Arzila, there to protect the Jewish population, who were in great consternation.

The murderers of the Jewish family are now in prison, and the minister for foreign affairs has assured me that their punishment will be such as to deter others from committing similar acts of violence in the future.

I beg to inclose herewith copies of the two letters addressed to me by Mr. M. L. Benshiton, chief of the Israelites of Arzila, requesting my intercession on their behalf, and acknowledging the result of the same.

I shall avail myself of all proper opportunities to accomplish

³³ Foreign Relations, 1878, page 691.

in the manner you have been pleased to indicate, the ends desired by the board of delegates of American Israelites.

FELIX A. MATHEWS.

[*Mr. Sanger to Mr. Evarts.*] ⁸⁴

UNION OF AMERICAN HEBREW CONGREGATIONS,
BOARD OF DELEGATES ON CIVIL AND RELIGIOUS RIGHTS,
NEW YORK, October 18, 1880.

Sir.—I have the honor to inform you that this board has designated Mr. Levi A. Cohen as its accredited agent at Tangier, Morocco, to look after the interests of our Israelitish brethren in that locality, and with a view to his presenting to the United States consul at Tangier, authenticated facts in relation to any wrongs done them, so that the perpetrators thereof may be speedily punished and proper reparation made.

I have been requested to communicate this action to the Department of State of the United States, with the view that Mr. Mathews may be officially advised of the facts and his co-operation invited.

In support of our action we find the within statement.

I am, with assurances of regard, very respectfully yours,

ADOLPHE L. SANGER, *Secretary.*

[*Mr. Evarts to Mr. Mathews.*] ⁸⁵

DEPARTMENT OF STATE,
WASHINGTON, October 28, 1880.

Sir.—This Department is in receipt of a communication from Mr. Adolphe L. Sanger, secretary of the board of delegates of the Union of American Hebrew Congregations in New York, acquainting it with the designation of Mr. Levi A. Cohen as the accredited agent of that board at Tangier, Morocco, to look after the interests of Hebrews in that locality. It is one of the purposes of Mr. Cohen's appointment that he should present to you authenticated facts in relation to any wrong which may be done to Hebrews in Morocco, in order that the perpetrators thereof may be punished and reparation made in proper cases. The board of delegates in communicating this information desires that you may be officially advised of the capacity with which Mr.

⁸⁴ Foreign Relations, 1881, page 1043.

⁸⁵ Foreign Relations, 1881, p. 805.

Cohen, who resides at Tangier, is invested, and that your co-operation with him may be invited.

Your earnest and urgent intercessions in behalf of this persecuted race in Morocco have for some time past commanded the cordial sympathy and approval of this Department. In view of this it seems unnecessary to do more than acquaint you with the mission undertaken by Mr. Cohen as the representative of the large and influential Hebrew organizations of this country; and in the interest of humanity and civilization you will doubtless upon any future occasion continue your good offices in behalf of the Jewish race.

WM. M. EVARTS.

[*Mr. Evarts to Mr. Fairchild.*] ³⁰

DEPARTMENT OF STATE,

WASHINGTON, November 12, 1880.

Sir.—The accompanying copy of a letter from Mr. Adolphe L. Sanger, the secretary of the board of delegates on civil and religious rights of the Union of American Hebrew Congregations, will explain the circumstances under which this Department has instructed Mr. Mathews, the United States consul at Tangier, to extend all proper countenance and support to Mr. Levi A. Cohen, as the accredited agent of that board to watch over the interests of Hebrews in Morocco, and to present to the consulate authentic facts in relation to wrongs done them.

Mr. Mathew's instructions, requiring the communication to you of all that he may trustworthily learn respecting the ill treatment of Jews in Morocco will cover the transmission to the legation of such facts as he may obtain from Mr. Cohen.

I am, sir, etc.,

WM. M. EVARTS.

Again there are cases of ill-treatment reported by Felix A. Mathews to Mr. Evarts, under date of April 17, 1880. On January 17, 1881, Mr. Fairchild writes from the legation at Madrid to Mr. Evarts, transmitting information regarding the treatment which the Jews in Morocco continued to receive. He says that the promises of the Sultan have not been kept, and it is impossible to procure the punishment of the officials

³⁰ Foreign Relations, 1881, page 1043.

who are known to be guilty of the crimes of unjustifiably confining, heavy fines and whipping even to the death of the unhappy victims of their hatred. Mr. Fairchild encloses a note addressed to the Moorish minister of foreign affairs to be signed by the representatives of the various powers at Madrid. Under date of April 20, 1881, Mr. Fairchild writes to Mr. Blaine giving an account of the trip to Morocco which he voluntarily undertook in order to make a personal examination of the condition of the Jews there,

[*Mr. Fairchild to Mr. Blaine.*] ⁸⁷

LEGATION OF THE UNITED STATES,

MADRID, April 20, 1881.

Sir.— * * * I have now the honor to report that I proceeded to Tangier, Morocco, where I arrived on the 22d of last month.

Keeping constantly in mind that the object of the visit was to learn all I could of the present condition of the Jews and other non-Mohammedan subjects of the Sultan, I embraced every opportunity to converse with and make inquiries of residents of Tangier on the subject. I had before leaving Madrid provided myself with letters to certain Jews in Tangier, who were well known to their prominent co-religionists here and in Paris, so that the very best facilities were offered me for obtaining information from unofficial sources. I also conferred freely with several of the diplomatic corps resident in that city.

I will not attempt to describe the condition of the people in whose well-being the Government of the United States takes so great an interest. The files of the Department of State, our energetic consul at Tangier, and from many other sources, contain all that can now be said on the subject by anyone. That the treatment of the Jews is not now in any perceptible degree better or more humane than it was before the writing of the letter of the Sultan to the Madrid conference on affairs in Morocco last summer, is a melancholy fact, notwithstanding the far-reaching promises made in that communication.

While the Jews are subjected constantly to the greatest humiliation because of their religious belief, murders of and brutal behavior towards them by Mohammedans are not of daily

⁸⁷ Foreign Relations, 1881, page 1054.

occurrence; still, at brief intervals, such sad events happen, and the protection of the victims often enlists the earnest sympathy and active efforts of the official representatives of foreign countries at Tangier. Without such protection as those officials can give by interceding in behalf of the oppressed, and by urgent demands for the punishment of the guilty ones, the situation of the Jews would be a hundred-fold worse.

However, it is believed by many who have had much experience in Morocco, that the Sultan would be glad to see a greater measure of liberty granted to all of his non-Mohammedan subjects; but that should he endeavor to enforce official decrees to that effect he would be met by such a resistance from his Mohammedan subjects as would endanger his throne. Of rebellions and civil wars His Majesty has on his hands more than a comfortable supply at all times, and his anxiety to avoid one which would seriously jeopardize his government cannot be wondered at. The bright side of the picture is the fact that most of the important governments of the world have representatives at Tangier, all of whom are unflagging in their efforts to lessen the burdens of the oppressed in that unhappy land, and I am proud to know that my own country stands well to the front in this good work, and that our consul, Mr. Mathews, loses no opportunity to effectively contribute his full share in that direction.

All that can be done in the near future is to continue to protect the suffering people by intercession in individual cases, and by constant appeals to the Sultan to do all that he can, or dare, towards the uplifting of those who are now in such a down-trodden condition. European complications may arise which will be of vast benefit to Morocco and I look forward with pleasure to the day, which possible we will see, when some one or more of the European nations will have gained such ascendancy over it as to be able to compel, by force, if necessary, a more enlightened and liberal administration of affairs. Thus the people of Morocco can be relieved, and I see at present no other hope.

While I am unable, because of this visit to Tangier, to add much to the information already in the possession of the Department, I have the advantage of having ascertained on the spot that the reports which have for years been published of the sad situation of the people there, have not been in the least exaggerated, and I have the greatest satisfaction in knowing more of the philanthropic efforts in their behalf by the official representatives of foreign countries—The United States not being behind any other. And these efforts of the Government of the United States

are most highly appreciated by those in whose behalf they are put forth, as well as by their brothers in religion in the United States and in Europe. As an indication of that feeling, I beg to quote from a letter to me from one of the most prominent Israelites (a citizen of the United States) in Europe, who learned of the object of my journey to Morocco. He writes:

It does one's heart good to belong to a government which is as strong and mighty as it is humane and philanthropic, and which from motives of pure humanity sends one of its ministers to a far-off country to alleviate the sufferings of a people and a race which is quite foreign to it.

Confident that my government will in the future, as in the past, be one of the foremost of nations in such good works, I shall always esteem it a high privilege, whether as one of its officials or as a private citizen, to contribute thereto my very best efforts.

I have, etc.,

LUCIUS FAIRCHILD.

[*Mr. Blaine to Mr. Fairchild.*] ³⁸

DEPARTMENT OF STATE,

WASHINGTON, June 13, 1881.

Sir.—I must express to you my appreciation of your admirable dispatch No. 140, of the 20th of April last, conveying your personal observations in regard to the condition of the Jews in Morocco. The confidence I have reposed in your discretion in this relation is abundantly justified, and I feel that I can safely leave to you the correct interpretation, now as in the past, of the sentiments of humanity which prompt the friendly action and counsel of the United States in the direction of endeavoring to procure toleration and personal security for this unhappy race in their chief African asylum.

I am, etc.,

JAMES G. BLAINE.

There is little to be added worthy of note. Morocco is, to a large extent, still in the same condition as it was a quarter of a century ago. There is hope of a possible mitigation due to a gradual extension of French influence to Morocco. It is

³⁸ Foreign Relations, 1881, page 1056.

true that the Jews of Algiers and even of Tunis suffered under French rule and influence, but it is hardly to be supposed that the great and enlightened French nation will ever again repeat the madness of the years of the Dreyfus agitation.

ROUMANIA.

The Roumanian question has been very recently before the public and is too fresh in mind and too voluminous in extent to require or render possible any considerable treatment here. As far back as June 14, 1867, the Board of Delegates brought to the attention of the Department of State the wrongs to which the Jews in Roumania were subjected, and requested the good offices of our Government in behalf of their co-religionists in the Danubian principalities. Mr. Morris, our minister to Constantinople, reported to Mr. Seward, under date of July 12, 1867, that Mr. Golesco, the agent of the Danubian principalities, had denied that there had been any real persecution, and that the action of the government was of a purely defensive character. Mr. Morris reports himself as replying that whatever might be the object of the Government, it has all the appearance of religious persecution, and that the confidence of the Government of the United States would be impaired in the Government at Bucharest unless the proscriptive measures against the Jews were discontinued.

Passing rapidly to a later period of very great interest I cite a series of dispatches from Mr. Kasson, still happily alive, then our minister to Vienna, in which he proposes action on behalf of the Jews in connection with the expected recognition of the independence of Roumania.

[*Mr. Kasson to Mr. Evarts.*] ³⁹

LEGATION OF THE UNITED STATES,

VIENNA, June 5, 1878.

Sir.—The United States Government has on different occasions

³⁹ Foreign Relations, 1878, page 42.

interested itself in the question of protecting American Jews traveling or residing in Roumania, and has expressed its sympathy with the oppressed condition of the race in that country. Preliminary to a report which I am preparing respecting the establishment of treaty relations between the United States and Roumania, whose independence, it is expected, the congress about to assemble will recognize, I beg leave to bring to your attention the question of securing the object in which so many of our compatriots take a deep interest.

In anticipation of Roumanian independence, Germany commenced negotiations with the Roumanian Government for a commercial treaty. According to information received here, the hostility of the latter to the recognition of equal rights for Jews of a foreign nationality with those of other citizens or subjects of the same nationality would have practically proscribed a portion of the German subjects. For that reason the proposed treaty was not accepted by Germany.

There is little conception in America of the tenacity of the prejudice against that race in Roumania, and of the contempt and occasional violence and wrong to which this prejudice leads, as well as to the legal deprivation of the ordinary privileges of good citizenship.

It would be to the honor of the United States Government if it could initiate a plan by which at once the condition of American Hebrews resident or travelling in Roumania, and the conditions of natives of the same race, could be ameliorated and their equality before the law at least partially assured.

The European congress is about to assemble, and will be asked to recognize the independence of Roumania. Would there be any just objection to the United States Government offering on its part, if the European powers would on their part, make the same condition, to recognize the independence of that country, and to enter into treaty stipulations with its government, only upon the fundamental preliminary agreements:

1. That all citizens or subjects of any such foreign nationality shall irrespective of race or religious belief, be entitled to equal rights and protection under the treaty and under their laws.

2. That all subjects or citizens under the jurisdiction of the Roumanian Government shall, irrespective of their race or religious belief, have equal rights of trade and commerce with the citizens or subjects of the foreign governments making such treaty; equal rights in the purchase, consumption, barter, or sale of the products of such foreign country, and in sales of Rouma-

nian products to such aliens; equal rights to make contracts with the citizens or subjects of such foreign government, and to be equally protected by the laws in the exercise of the rights so secured.

To this extent, at least, it seems foreign governments would be justified by international law and the law of self-interest; while they would at the same time give effect to the humane instinct of all truly civilized and Christian nations. The persecuting and oppressive spirit is so strong in Roumania against the Jews that it requires united action by liberal and constitutional governments, as well as an appeal to the strongest desires of the Roumanian people, which are just now to be permitted to enter the family of nations, to bring relief and emancipation to this proscribed race.

Your own judgment will improve, doubtless, the form of action above suggested; but it will be sufficient, I hope, to attract your attention to a question, the favorable solution of which would greatly gratify the American people, and evoke especial gratitude from that race which has found in the United States absolute legal equality and security, and the occasion of the congress is most favorable for giving it effect, if approved.

JOHN A. KASSON.

[*Mr. Kasson to Mr. Evarts.*] ⁴⁰

LEGATION OF THE UNITED STATES,

VIENNA, February 16, 1879.

Sir.—Mr. Balatshano, the envoy and minister of Roumania, who is accredited to this court and has already been received, yesterday verbally communicated to me the wish of his government to enter into diplomatic relations with the Government of the United States. Whether the representative of the American Government should be an envoy of the first rank or of any inferior diplomatic grade, his royal highness Prince Charles would commission one of the same grade to represent his government at Washington. He wished this communication to be considered as official.

So accepting it, I have now the honor to advise you of the same, and to await instructions from you touching the fitting response to be made.

In the course of conversation, I alluded to the preliminary requirements of the Berlin treaty in respect to the Jews. He

⁴⁰ Foreign Relations, 1879, page 49.

replied that the necessary changes would be made in their laws to give satisfaction on this point, and to establish for the Jews the basis of absolute equality with other races. He estimated the number of Jews in Roumania to be 600,000, of whom less than one-tenth were native born, and he thought Roumania had a right to protect her own native race from being overwhelmed by a foreign incursion of this character which did not wish to submit to the duties and responsibilities which are borne by natives of the Roumanian race. He referred with politeness, and not without a point which I appreciated to the law just passed by one House of our Congress for the suppression of Chinese immigration to the United States, although the proportion of that race present in the United States to the native population is minute in comparison with that of the Jewish immigrants to native Roumanians. He, however, repeated the assurance that they would be placed on a basis of equality before the law.

JOHN A. KASSON.

[*Mr. Evarts to Mr. Kasson.*] ⁴¹

DEPARTMENT OF STATE,

WASHINGTON, November 28, 1879.

Sir.—Your dispatch No. 256 of the 31st ultimo, inclosing the reply of His Highness the Prince of Roumania to the letter which the President addressed to him on the 15th of August, 1878, has been received. In connection with the subject of Roumanian recognition, I inclose for your consideration a copy of a letter under date of the 30th ultimo from Mr. Myer S. Isaacs, president, and other officers of the board of delegates on civil and religious rights of the Hebrews, asking that the Government of the United States may exert its influence towards securing for its Hebrew subjects and residents in Roumania the equality of civil and religious rights stipulated in Article XLIV of the treaty of Berlin.

As you are aware, this government has ever felt a deep interest in the welfare of the Hebrew race in foreign countries, and has viewed with abhorrence the wrongs to which they have at various periods been subjected by the followers of other creeds in the East. This Department is therefore disposed to give favorable consideration to the appeal made by the representative of a prominent Hebrew organization in this country in behalf of their brethren in Roumania, and while I should not be warranted in making a compliance with their wishes a *sine qua non* in the

⁴¹ Foreign Relations, 1880, page 35.

establishment of official relations with that country, yet any terms favorable to the interest of this much-injured people which you may be able to secure in the negotiations now pending with the Government of Roumania would be agreeable and gratifying to this Department.

I am, etc.,

WM. M. EVARTS.

[*Mr. Kasson to Mr. Evarts.*] ⁴²

LEGATION OF THE UNITED STATES,

VIENNA, December 24, 1879.

Sir.—In acknowledging your No. 138, with the inclosed copy of the application made in behalf of the Jews of Roumania, I beg to advise you of the principles of my action on the same subject in the case of Servia.

According to the information of this legation, there are some inaccuracies of statement in the memorandum submitted to the Department in behalf of the "Union of American Hebrew Congregations." It is not necessary, however, here to review that paper. I will only say that Italy is already satisfied with the action of Roumania, and has by her plenipotentiary recognized Roumanian independence. Austria has previously done so. France is about to do the same. Germany is held back by altogether different considerations.

* * * * *

Knowing the sympathies and interest of my government in the condition of this race in the principalities, I have followed the progress of diplomatic intervention and of local legislation with constant attention. I am convinced that, with the exception of always possible isolated instances of injustice, such progress has been made that the only branch of civil rights which now gives us just cause of anxiety is that relating to the extent and the mode of granting to the Hebrews the rights of citizenship. It would appear that the equal protection of person and property under the laws has been assured. The principle of naturalization embraces them in common with other races without distinction. Its practical application is a question so peculiarly pertaining to interior administration as to render foreign judgment upon it almost inadmissible.

It has been my intention to follow in negotiations with

⁴² Foreign Relations, 1880, page 42.

Roumania the text of my propositions to Servia. These are intended to secure to American citizens, of all faiths, protection of person and property, equally with that given to natives, full rights of trade, and full liberty for the exercise by them of the rights of religious faith and of public worship. The stipulations on the latter point follow the language of the article relating thereto in the Treaty of Berlin. Copies of the same are inclosed.

* * * * *

JOHN A. KASSON.

Art. IV. There shall be entire liberty of commerce between the persons belonging to the jurisdiction of the principality of Servia and those of the United States of America.

The citizens of the contracting states, may, while conforming to the laws of the country, freely reside in all parts of the territory of the other, may traverse this territory, or establish themselves there in business. They shall enjoy in all that concerns their person and property the same security enjoyed by the natives.

They may exercise their industry or their commerce, wholesale or retail, in every part, city, port or place whatever of the territory of the other state, and to this end they may lease the necessary locations, houses, and stores.

The citizens of Servia in the United States, and the citizens of the United States in Servia, whether they establish themselves or take up temporary residence, shall not be subjected, either in respect to person or property, or in the exercise of their commerce or industry, to the payment of taxes, general or local, of imposts, or of whatever other impositions or charges, higher than those which are or may hereafter be collected from the natives themselves.

Art. VI. The liberty of religious faith and the open exercise of their worship shall be assured to the persons belonging to the jurisdiction of each of the contracting states in the territory of the other and no restraint shall be imposed either upon the ecclesiastical organization of the different communions or upon their relations with their spiritual chiefs.

Foreign Relations, 1880, page 43.

[*Mr. Kasson to Mr. Evarts.*] ⁴³

LEGATION OF THE UNITED STATES,

VIENNA, March 31, 1879.

* * * * *

Sir.—The Jewish question in Servia presents no longer a reason

⁴³ Foreign Relations, 1879, page 59.

for delay in the full diplomatic recognition of her independence. Prior to the annexation of territory, secured to her by the congress of Berlin, the number of Jews in Servia was about 1200. The annexations brought in about 800 more. The former Jewish population (1200) was chiefly composed of the descendants of an old colony of Spanish Jews, who still preserve the Spanish language among themselves. They have long enjoyed full political rights; but their right of residence has always been confined to four towns along the Danube; and they have not the right to hold real estate. The new Jewish population (say 800) coming with the annexed Turkish territory, were, on the contrary, free from this restriction. It was easy, therefore, for the Servians to determine that their old population of this race must not have less right than the aliens just brought within their jurisdiction. Pursuant to the provisions of their constitution, an amendment of the instrument requires the sanction of two ordinary skuptschinas and final adoption by the grand skuptschina specially assembled therefor. The first two sanctions have already been given, and for the third the grand skuptschina will be summoned probably in the early summer. This body is four times as numerous as the ordinary legislature; and there is said to be in Servia no building large enough to serve them as a hall for the meeting. So the government must at least accommodate them in the open air with a favorable season. No doubt at all is entertained of their ratification of the act abolishing the discriminations against the Jews.

JOHN A. KASSON.

* * * * *

The famous "Roumanian note" of 1902 is well known and has been frequently printed. Although as yet not fruitful of results it was in many aspects the most notable action ever taken by our Government on behalf of the Jews and I present here correspondence prior and subsequent to this note bearing upon its general subject matter.

[*Mr. Hay to Mr. Wilson.*] ⁴⁴

(Confidential.)

DEPARTMENT OF STATE,
WASHINGTON, July 17, 1902.

Sir.—Your legation's dispatch No. 19, of the 13th of February

⁴⁴ Foreign Relations, 1902, page 910.

last, reported having submitted to the Roumanian Government, through its diplomatic representative in Greece, as the outcome of conferences had by Mr. Francis, with him on the subject. A tentative draft of the naturalization convention on the lines of the draft previously submitted to the Servian Government and Mr. Francis added that his excellency the Roumanian minister had informed him of his hearty approval of the project, which he had forwarded to his Government with his unqualified indorsement. Minister Francis was instructed on March 4 that his action was approved. No report of progress has since been received from your legation, but it is presumed that the matter is receiving the consideration due to its importance.

For its part the Government of the United States regards the conclusion of conventions of this character as of the highest value, because not only establishing and recognizing the right of the citizens of the foreign state to expatriate themselves voluntarily, and acquire the citizenship of this country, but also because establishing beyond the pale of doubt the absolute equality of such naturalized persons, with native citizens of the United States in all that concerns their relation to or intercourse with the country of their former allegiance.

The right of citizens of the United States to resort to and transact affairs of business or commerce in another country, without molestation or disfavor of any kind, is set forth in the general treaties of amity and commerce which the United States have concluded with foreign nations, thus declaring what this Government holds to be a necessary feature of the mutual intercourse of civilized nations and confirming the principles of equality, equity, and comity which underlie their relations to one another. This right is not created by treaties; it is recognized by them as a necessity of national existence, and we apply the precept to other countries, whether it be conventionally declared or not, as fully as we expect its extension to us.

In some instances, other governments, taking a less broad view, regard the rights of intercourse of alien citizens as not extending to their former subjects who may have acquired another nationality. So far as this position is founded on national sovereignty and asserts a claim to the allegiance and service of the subject not to be extinguished save by the consent of the sovereign, it finds precedent and warrant which it is immaterial to the purpose of this instruction to discuss. Where such a claim exists, it becomes the province of a naturalization convention to adjust it on a ground of common advantage, substituting the general sanction of treaty for the individual permission of expatriation

and recognizing the subject who may have changed allegiance as being on the same plane with the natural or native citizens of the other contracting state.

Some States, few in number, be it said, make distinction between different classes of citizens of the foreign State, denying to some the rights of innocent intercourse and commerce, which by comity and natural right are accorded to the stranger, and doing this without regard to the origin of the persons adversely affected. One country in particular, although maintaining with the United States a treaty which unqualifiedly guarantees to citizens of this country the rights of visit, sojourn, and commerce of the Empire, yet assumes to prohibit those rights to Hebrew citizens of the United States, whether native or naturalized. This Government can lose no opportunity to controvert such a distinction, wherever it may appear. It cannot admit such discrimination among its own citizens, and can never assent that a foreign State, of its own volition, can apply a religious test to debar any American citizen from the favor due to all.

There is no treaty of amity and commerce between the United States and Roumania, but this Government is pleased to believe that Roumania follows the precepts of comity in this regard as completely and unreservedly as we ourselves do, and that the American in Roumania is as welcome and as free in matters of sojourn and commerce and legal resorts as the Roumanian is in the United States. We hear no suggestion that any differential treatment of our citizens is there imposed. No religious test is known to bar an American from resorting to Roumania for business or pleasure. No attempt has been made to set up any such test in the United States whereby any American citizen might be denied recourse to the representatives of Roumania in order to authenticate documents necessary to the establishment of his legal rights or the furtherance of his personal interests in Roumania. And in welcoming negotiations for a convention of naturalization Roumania gives proof of her desire to confirm all American citizens in their inherently just rights.

Another consideration of cognate character presents itself. In the absence of a naturalization convention, some few states hold self-expatriation without the previous consent of the sovereign to be punishable, or to entail consequences indistinguishable from banishment. Turkey, for instance, only tacitly assents to the expatriation of Ottoman subjects so long as they remain outside Turkish jurisdiction. Should they return thereto their acquired alienship is ignored. Should they seek to cure the matter by asking permission to be naturalized abroad, consent is coupled

with the condition of non-return to Turkey. It is the object of a naturalization convention to remedy this feature by placing the naturalized alien on a parity with the natural born citizen and according him due recognition as such. This consideration gives us added satisfaction that negotiations on the subject have been auspiciously inaugurated with Roumania. If I have mentioned this aspect of the matter, it is in order that the two Governments may be in accord as to the bases of their agreement in this regard; for it is indispensable that the essential purpose of the proposed convention should not be impaired or perverted by any coupled condition of banishment imposed independently by the act of either contracting party.

The United States welcomes now, as it has welcomed from the foundation of its Government, the voluntary immigration of all aliens coming hither under conditions fitting them to become merged in the body politic of this land. Our laws provide the means for them to become incorporated indistinguishably in the mass of citizens, and prescribe their absolute equality with the native born, guaranteeing to them equal civil rights at home and equal protection abroad. The conditions are few looking to their coming as free agents, so circumstances physically and morally as to supply the healthful and intelligent material of free citizenship. The pauper, the criminal, the contagiously or incurably diseased are excluded from the benefits of emigration only when they are likely to become a source of danger or a burden upon the community. The voluntary character of their coming is essential; hence we shut out all immigration assisted or constrained by foreign agencies. The purpose of our generous treatment of the alien immigrant is to benefit us and him alike—not to afford to another state a field upon which to cast its own objectionable elements. A convention of naturalization may not be construed as an instrument to facilitate any such process. The alien, coming here voluntarily and prepared to take upon himself the preparatory, and in due course the definitive obligations of citizenship, retains thereafter in domestic and international relations, the initial character of free agency, in the full enjoyment of which it is incumbent upon his adoptive state to protect him.

The foregoing considerations whilst pertinent to the examination of the purpose and scope of a naturalization treaty, have a larger aim. It behooves the State to scrutinize most jealously the character of the immigration from a foreign land, and, if it be obnoxious to objection, to examine the causes which render it so. Should those causes originate in the act of another sovereign

State, to the detriment of its neighbors, it is the prerogative of an injured State, to point out the evil and to make remonstrance; for with nations, as with individuals, the social law holds good that the right of each is bounded by the right of the neighbor.

The condition of a large class of the inhabitants of Roumania has for many years been a source of grave concern to the United States. I refer to the Roumanian Jews, numbering some 400,000. Long ago, while the Danubian principalities labored under oppressive conditions which only war and a general action of the European powers sufficed to end, the persecution of the indigenous Jews under Turkish rule called forth in 1872 the strong remonstrance of the United States. The treaty of Berlin was hailed as a cure for the wrong in view of the express provisions of its forty-fourth article, prescribing that "in Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admissions to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever," and stipulating freedom in the exercise of all forms of worship to Roumanian dependents and foreigners alike, as well as guaranteeing that all foreigners in Roumania shall be treated, without distinction of creed, on a footing of perfect equality.

With the lapse of time these just prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Roumania. Starting from the arbitrary and controvertible premises that the native Jews of Roumania domiciled there for centuries are "aliens not subject to foreign protection," the ability of the Jew to earn even the scanty means of existence that suffice for a frugal race has been constricted by degrees, until nearly every opportunity to win a livelihood is denied; and until the helpless poverty of the Jew has constrained an exodus of such proportions as to cause general concern.

The political disabilities of the Jews in Roumania, their exclusion from the public service and the learned professions, the limitations of their civil rights, and the imposition upon them of exceptional taxes, involving as they do wrongs repugnant to the moral sense of liberal modern peoples, are not so directly in point for my present purpose as the public acts which attack the inherent right of man as a breadwinner in the ways of agriculture and trade. The Jews are prohibited from owning land, or even from cultivating it as common laborers. They are debarred from

residing in the rural districts. Many branches of petty trade and manual production are closed to them in the overcrowded cities where they are forced to dwell and engage, against fearful odds, in the desperate struggle for existence. Even as ordinary artisans or hired laborers they may only find employment in the proportion of one "unprotected alien" to two "Roumanians" under any one employer. In short, by the cumulative effect of successive restrictions, the Jews of Roumania have become reduced to a state of wretched misery. Shut out from nearly every avenue of self-support which is open to the poor of other lands, and ground down by poverty as the natural result of their discriminatory treatment, they are rendered incapable of lifting themselves from the enforced degradation they endure. Even were the fields of education open to them, of civil employment and of commerce, as to "Roumanian citizens," their penury would prevent rising by individual effort. Human beings so circumstanced have virtually no alternatives but submissive suffering or flight to some land less unfavorable to them. Removal under such conditions is not and cannot be the healthy, intelligent emigration of a free and self-reliant being. It must be, in most cases, the mere transplantation of an artificially produced diseased growth to a new place.

Granting that in better and more healthful surroundings the morbid conditions will eventually change for good, such emigration is necessarily for a time a burden to the community upon which the fugitives may be cast. Self-reliance and the knowledge and ability that evolve the power of self-support must be developed, and at the same time avenues of employment must be opened in quarters where competition is already keen and opportunities scarce. The teachings of history and the experience of our own nation show that the Jews possess in a high degree the mental and moral qualifications of conscientious citizenship. No class of emigrants is more welcome to our shores when coming equipped and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will. But when they come as outcasts, made doubly paupers by physical and moral oppression in their native land, and thrown upon the long suffering generosity of a more-favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that, even in the countries where antisemitism has no foothold, it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal.

The United States offers asylum to the oppressed of all lands.

But its sympathy with them in nowise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country, and to judge accordingly.

Putting together the facts now painfully brought home to this Government, during the past few years, that many of the inhabitants of Roumania are being forced by artificially adverse discriminations to quit their native country; that the hospitable asylum offered by this country is almost the only refuge left to them; that they come hither unfitted by the conditions of their exile to take part in the new life of this land under circumstances either profitable to themselves or beneficial to the community, and that they are objects of charity from the outset and for a long time—the right of remonstrance against the acts of the Roumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Roumania upon the charity of the United States. This Government cannot be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity. The United States may not authoritatively appeal to the stipulation of the treaty of Berlin, to which it was not and cannot become a signatory, but it does earnestly appeal to the principles consigned therein, because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Roumania itself has effectively joined the United States to them as an interested party in this regard.

Occupying this ground and maintaining these views, it behooves us to see that in concluding a naturalization convention no implication may exist of obligation on the part of the United States to receive and convert these unfortunates into citizens, and to eliminate any possible inference of some condition or effect tantamount to banishment from Roumania, with inhibition of return or imposition of such legal disability upon them by reason of their creed, as may impair their interests in that country or operate to deny them judicial remedies there which all American citizens may justly claim in accordance with the law and comity of nations.

I am, sir, your obedient servant,

JOHN HAY.

[*Mr. Wilson to Mr. Hay.*] ⁴⁵

LEGATION OF THE UNITED STATES,

ATHENS, August 8, 1902.

Sir.—I have the honor to acknowledge the receipt of your No. 14, Roumanian series, dated July 17, 1902, relative to the proposed naturalization treaty between the United States and Roumania.

Since the draft of the treaty approved by the Department was submitted to the Roumanian minister for foreign affairs nothing further has been accomplished, as the Roumanian Government refused to consider the project favorably.

Upon the receipt of your dispatch, I called upon the Roumanian minister to Greece, who has within a few days returned from Roumania, and asked him if his Government, after examination, had found the draft of the naturalization treaty submitted to it acceptable.

Mr. Ghica told me that just before leaving Bucharest he had a long audience with the King, during most of which relations with the United States were discussed. His Majesty told Mr. Ghica that he considered a naturalization treaty between the United States and Roumania unnecessary, and that he did not favor considering the matter at all. Upon my endeavoring to point out to Mr. Ghica that, in our opinion, such a treaty would be of great advantage to both countries, he said that he would be perfectly frank with me and tell me the real objection that the King had expressed against the proposed treaty.

According to His Majesty's opinion, a naturalization treaty would be most injurious to Roumania for the reason that it would complicate the already troublesome Jewish question in that country.

As you stated in your dispatch on this subject, on account of discrimination against them a large number of Roumanian Jews are driven from Roumania and a majority of them take refuge in America. If, therefore, there was a naturalization treaty, these Jews would return to Roumania and as American citizens claim rights and privileges to which they were not before emigration entitled. The King also fears that with a naturalization treaty between the two countries an even larger number of Jews would emigrate to America, and for the express purpose of returning to Roumania and claiming protection as American citizens.

I expressed to Mr. Ghica my regret that the United States and Roumania had been unable to conclude any of the proposed

⁴⁵ Foreign Relations, 1902, page 914.

treaties, and expressed the hope that he would use his efforts to bring about a favorable consideration of the naturalization treaty, but as he assured me that the ministry and members of the Government shared the unwillingness of the King to consider such a treaty, I have not communicated with the Roumanian minister for foreign affairs, and shall await further instructions from the Department before so doing. * * *

CHARLES L. WILSON,
Chargé d' Affaires ad interim.

[*Mr. Hay to Mr. McCormick.*] ⁴⁰

DEPARTMENT OF STATE,
WASHINGTON, August 11, 1902.¹

Sir.—In the course of an instruction recently sent to the minister accredited to the Government of Roumania in regard to the bases of negotiation begun with that Government looking to a convention of naturalization between the United States and Roumania, certain considerations were set forth for the minister's guidance concerning the character of the emigration from that country, the causes which constrain it, and the consequences so far as they adversely affect the United States.

It has seemed to the President appropriate that these considerations, relating as they do to the obligations entered into by the signatories of the treaty of Berlin of July 13, 1878, should be brought to the attention of the Governments concerned and commended to their consideration in the hope that, if they are so fortunate as to meet the approval of the several powers, such measures as to them may seem wise may be taken to persuade the Government of Roumania to reconsider the subject of the grievances in question.

[*This dispatch continues to the end in the same wording as that of Mr. Hay's dispatch to Mr. Wilson of July 17, 1902, omitting the last paragraph and putting in its place the following:*]

You will take an early occasion to read this instruction to the minister for foreign affairs and, should he request it, leave with him a copy.

JOHN HAY.

Identical instructions were sent to representatives of the United States to France, Germany, Great Britain, Italy, and Turkey.

⁴⁰ Foreign Relations, 1902, page 42.

[*Mr. Adee to Mr. Wilson.*] ⁴⁷

DEPARTMENT OF STATE,

WASHINGTON, D. C., August 22, 1902.

Sir.—Referring to the Department's No. 14, of the 17th ultimo, Roumanian series, on the subject of the treatment of Jews in Roumania, I inclose for your confidential information a copy of an instruction which has been sent to the diplomatic representatives of the United States in the countries parties to the treaty of Berlin of July 13, 1878, in the hope that it may seem wise to those powers to take measures to persuade the Government of Roumania to accord to the indigenous Jews, the generous and equal treatment prescribed for them by the Berlin treaty.

ALVEY A. ADEE,

Acting Secretary.

[*Mr. Leishman to Mr. Hay.*] ⁴⁸

LEGATION OF THE UNITED STATES,

CONSTANTINOPLE, August 26, 1902.

Sir.—I have the honor to acknowledge the receipt of your unnumbered instruction of August 12, 1902.

I shall lose no time in acquainting the Sublime Porte with the contents of the circular instruction therein contained which deals with the situation of the Jews in Roumania.

JOHN G. A. LEISHMAN.

[*Mr. White to Mr. Hay.*] ⁴⁹

EMBASSY OF THE UNITED STATES,

BERLIN, August 26, 1902.

Sir.—I have the honor to acknowledge the due receipt of your printed instruction of the 11th instant, relative to the treatment of Jews in the Kingdom of Roumania, and to inform you that in compliance therewith the contents of the same were communicated to Baron von Richthofen, the imperial secretary of state for foreign affairs (who has just returned to Berlin and resumed charge at the foreign office), and a copy of the same left with

⁴⁷ Foreign Relations, 1902, page 915.

⁴⁸ Foreign Relations, 1902, page 1048.

⁴⁹ Foreign Relations, 1902, page 442.

him this afternoon. Baron Richthofen said that he would "give the matter such consideration as its importance deserves."

For Ambassador White:

JOHN B. JACKSON,
Secretary of Embassy.

[*Mr. Choate to Mr. Hay.*] ⁵⁰

AMERICAN EMBASSY,
LONDON, September 3, 1902.

Sir.—With reference to your separate instruction of the 11th ultimo on the subject of the condition of the Jews in Roumania, I have the honor to inclose herewith a note which I have received from the foreign office, stating that His Majesty's Government join with the Government of the United States in deploring the depressed condition of the Roumanian Jews and in regarding with apprehension the results of their enforced emigration, and that His Majesty's Government will place themselves in communication with the other powers signatory of the treaty of Berlin, with a view to a joint representation to the Roumanian Government on the subject.

JOSEPH H. CHOATE.

[*Mr. Bertie to Mr. Choate.*] ⁵¹

FOREIGN OFFICE,
September 2, 1902.

Your Excellency.—I have the honor to acknowledge the receipt of your note of the 23d ultimo, inclosing a copy of a dispatch from Mr. Secretary Hay on the subject of the conditions of the Jews in Roumania.

His Majesty's Government joins with the United States Government in deploring the depressed condition of the Roumanian Jews and in regarding with apprehension the results of their enforced emigration.

His Majesty's Government will place themselves in communication with the other powers signatory of the treaty of Berlin, with a view to a joint representation to the Roumanian Government on the subject.

FRANCIS BERTIE,
(*In the absence of the Marquis of Lansdowne.*)

⁵⁰ Foreign Relations, 1902, page 549.

⁵¹ Foreign Relations, 1902, page 550.

[*Mr. Idings to Mr. Hay.*] ⁵²

AMERICAN EMBASSY,
ROME, September 6, 1902.

Sir.—Referring to your unnumbered instruction of August 12 last, and to the Department's circular of August 11, I have the honor to report that, as directed, I have to-day shown to the minister for foreign affairs the communication concerning the treatment of Jews in Roumania, and at his request left a copy of the same with him.

LEWIS MORRIS IDDINGS.

[*Mr. Porter to Mr. Hay.*] ⁵³

EMBASSY OF THE UNITED STATES,
PARIS, September 26, 1902.

Sir.—Your printed circular relative to the Jews of Roumania was duly received and availing myself of the authorization given me by your unnumbered instruction of August 12, I left a copy of it with Mr. Delcasse.

The next time I saw him he spoke of the circular, and said he had read it with interest, and asked several questions about the emigrants of the class referred to coming to the United States.

He did not give any expression of his views, the subject not having yet been officially considered.

Our Government persisted in the matter as is indicated by the following series of dispatches.

[*Mr. Hay to Mr. Jackson.*] ⁵³

DEPARTMENT OF STATE,
WASHINGTON, March 5, 1903.

Sir.—The Department's instruction, No. 14, of July 17 last (Roumanian series), to your predecessor, presented for his guidance in the negotiation of a naturalization treaty with Roumania, certain considerations having special reference to the Jews in that country.

The refusal of the Roumanian King, reported in Mr. Wilson's unnumbered dispatch of August 6 last (Roumanian series) to

⁵² Foreign Relations, 1902, page 684.

⁵³ Foreign Relations, 1903, page 702.

consider the project of a naturalization treaty with the United States, made that instruction ineffective.

With its No. 15, of August 23 last, same series, the Department inclosed, for the legation's information, a copy of a circular instruction which it addressed, on August 11, 1902, to the diplomatic representatives of the United States, to the governments, parties to the treaty of Berlin of July 13, 1878, and which they were directed to bring to the attention of the governments concerned and to commend to their consideration, in the hope that they would take such measures as to them might seem wise to persuade the Government of Roumania to reconsider the subject of the grievances of Jews in that country.

It is the President's desire that you should, on your first visit to Roumania, discreetly and cautiously endeavor to learn whether the considerations so presented to them have resulted in any representations to the Roumanian Government by the powers, either separately or jointly, looking to the amelioration of the oppressed condition of the Roumanian Jews in the observance of the principles of the Berlin treaty.

The matter is one in which the President has deep interest, and the Department would be pleased to have you furnish it with all information in this regard which you may be able to confidentially gather.

JOHN HAY.

[*Mr. Jackson to Mr. Hay.*] ⁵⁴

LEGATION OF THE UNITED STATES,

ATHENS, March 21, 1903.

Sir.—I have the honor to acknowledge the receipt, on the 19th instant, of your instruction No. 1, Roumanian series, of March 5.

It so happened that I was in charge of our embassy at Berlin at the time the Department's circular instruction of August 11 last was received, and consequently it fell to me to communicate its contents to the German foreign office. If I remember correctly, Baron Richthofen said that the matter would receive the attention which its importance warranted, or words to that effect. Subsequently I understood that immediately after the same instruction had been communicated to the foreign office at London, the British Government, without in any way making known its own views contained therein, had addressed a communication to the other Governments which were parties to the Berlin treaty

⁵⁴ Foreign Relations, 1903, page 702.

of 1878, inquiring what they proposed doing in the matter. So far as I am aware, however, no action was taken by any of these Governments, and the contents of the circular were never formally brought to the attention of the Roumanian Government.

Situated as the country is, between powerful and ambitious neighbors, the efforts of the Roumanian Government have been directed toward keeping the race pure and developing a homogeneous patriotic Roumanian nationality. The Jewish question is one with which Roumania has had to do ever since it became a State, and the course adopted was that which was considered necessary in order to enable it to maintain its independent national existence. Foreigners have never acquired Roumanian nationality merely through having been born in the country, and as long ago as 1878 a commission of deputies appointed to study the question reported that "Roumanian Jews have never existed, but only indigenous Jews—that is to say, Jews born in Roumania without, for that reason resembling Roumanians either by language, manners and customs, or aspiration."

Prior to the recognition of Roumania as a kingdom its constitution contained the provision that "Foreigners of Christian denominations can alone obtain naturalization," both Jews and Mohammedans being excluded. In 1880, as a result of the Berlin treaty, this was changed and naturalization was placed within the reach of all "foreigners," provided that they could satisfy the legislative body of their acceptability. Under these conditions Roumania was recognized as a kingdom, although it was stated in the British note of February 20, 1880, that——

Her Majesty's Government cannot consider the new constitutional provisions which have been brought to their cognizance, and particularly those by which persons belonging to a non-Christian creed domiciled in Roumania and not belonging to any foreign nationality are required to submit to the formalities of individual naturalization, as being a complete fulfillment of the views of the powers signatories of the treaty of Berlin.

As shown, however, by the recently published life and correspondence of Sir Silliman White (John Murray, London, 1902), the difficulties connected with granting political rights (as far as religious rights are concerned there was no question) at one time to at least 300,000 persons, who had traditionally been considered as aliens were recognized by the powers. Even those Governments which took an interest in the Jews refrained from using any great amount of pressure, and matters were allowed to assume their present condition.

Practically, it is hardly to be expected that the powers will show any more zeal than they did twenty-odd years ago, and it will not be probable that success would accompany an effort to introduce into Roumania, by means of foreign pressure, legislative changes which are unacceptable to the country itself. Neither the King nor the Government has the power to change existing conditions, legislative action being necessary in the case of the naturalization of any foreigner, no matter of what race or religion, and I have heard it stated that foreign interference has already had an unfavorable effect.

While adding that I plan visiting Bucharest at an early date, and that I shall use my best efforts to inform myself in the premises, I have, etc.,

JOHN B. JACKSON,

[*Mr. Jackson to Mr. Hay.*] ⁵⁵

LEGATION OF THE UNITED STATES,

ATHENS, April 18, 1903.

Sir.—Referring to my dispatch No. 7, Roumanian series, of the 21st ultimo, I have the honor to report that, after inquiry on the spot, I am still of the opinion that no official representations were made to the Roumanian Government by any of the powers concerned, as a result of the Department's circular instruction of August 11, 1902. During my recent visit to Bucharest no direct reference was made to the Jewish question in official circles, either at the palace, or the foreign office, or in the course of my conversation with Mr. Sturdza. I talked of the matter freely, however, with my diplomatic colleagues and others. My conviction that Germany had made no representations was made a certainty, and I learned that neither France nor Great Britain had taken any formal action. Of late, as heretofore, both at the palace and at the foreign office, the British and French ministers have referred to the subject informally; the former thinks that the instruction was productive of good, the latter thinks that it was not. As a matter of fact, although there were a number of Jewish naturalization cases acted upon in each of the houses of the Roumanian legislative body, during its recent session, only a very few—say three or four—were finally dealt with by both.

* * * In Bucharest itself the Jewish quarter of the city is relatively clean and attractive, and everywhere one sees signs over shops bearing unmistakeably Jewish names. Jewish law-

⁵⁵ Foreign Relations, 1903, page 704.

yers and doctors occupying good positions are also to be found, it is true only in limited numbers, and these usually actual foreign subjects, and everything seems to indicate that the prejudice is neither against the race nor the individual, but is based upon the genuine fear as to what would result from general naturalization. That the situation of the Jews in Roumania is regrettable cannot be denied, but no less can it be denied that their sufferings have been exaggerated. The fact that the place of every emigrant is at once filled by immigration from Galicia, Poland, and Russia speaks for itself. The Government does not favor emigration because as a general rule, the more competent Jews leave and their places are taken by less intelligent people. As a Jassy shop-keeper, who was closing up his business, recently said to an English merchant of whom he had formerly been a good customer, "There are too many of us here for it to be possible for me to make any money." In parts of Moldavia 60 per cent of the population are Jews, most of whom, it is said, use the Yiddish (corrupt German) language, and speak but little Roumanian.

JOHN B. JACKSON.

[*Mr. Jackson to Mr. Hay.*] ⁵⁶

LEGATION OF THE UNITED STATES,
SINAIA, Roumania, September 7, 1903.

Sir.—I have the honor to report that in conversation yesterday Mr. Sturdza, the Roumanian prime minister, spoke at length about the circular "note" of August 11, 1902, and the Jewish question. He said that there were two kinds of Jews in Roumania, the Spanish Jews who are of a higher class, and the Jews who are principally found in Moldavia (and the neighboring parts of Austria and Russia) who he claimed are not Israelites at all, but Mongols, who were converted many centuries ago. There were few of this kind in what is now Roumania prior to 1828, and most of those who were in the country up to that time enjoyed either Austrian or Russian protection. Before the treaty of Paris no Jew, Turk, or Armenian could own real estate in the country. In the meantime, however, the Armenians had become Roumanianized, and there was no objection to the change, which was made in 1856, which enabled any Christian to do so. Later, at the time when the country became independent, a further change was made and any "Roumanian" obtained the right to

⁵⁶ Foreign Relations, 1903, page 704.

hold land. Ultimately, after the treaty of Berlin of 1878, the complete independence of Roumania was recognized by the European powers. At that time, there were practically no American interests in the country, yet the United States saw fit to recognize its independence of its own accord in 1880 and to send a diplomatic representative (Mr. Eugene Schuyler) to reside in Roumania. This action was greatly appreciated at the time, and it has not been forgotten. Since that time, however, Roumania has no longer been under the tutelage of the treaty powers, and now she does not recognize their right to intervene. * * *

Mr. Sturdza said that now that I had seen something of Roumania and the Roumanians, and now that they had become acquainted with me he was ready to inform me as to his position. He said at first that Roumania had not liberated herself from Turkish sovereignty in order to accept that of the Jews; that she had powerful neighbors and must do everything possible to maintain and develop her own nationality. He said that to grant were considered advisable, would necessitate a change in the constitution, and he was not in favor of frequent changes in a thing political rights or to naturalize the Jews *en masse*, even if this which should be of a permanent and more or less sacred character. He said that absolutely no question of religious prejudice had become Roumanians and been naturalized had attained political prominence under both liberal and conservative governments. He referred to one instance where he and other was involved and cited a number of instances where Jews, who ministers had attended a wedding in the synagogue at Bucharest "in dress clothes and with decorations because of respect for the man whose daughter was being married." He said, however, that the mass of the Jews did not regard themselves as Roumanians; that they spoke of belonging to the Jewish nation and considered themselves as of a superior race to the Christians, and that they had their own customs, language, and ambitions, and neither would nor could assimilate with the native Roumanians. They wanted to become naturalized, or rather naturalization was wanted for them, in order that they might secure political rights and own land. Moreover, it is not merely a question of the Jews already in Roumania, as for many reasons their position here is much better than that of their coreligionists in Austria and Russia, and if existing restrictions were to be removed there would be a great influx from those countries. In Roumania there is not the least religious persecution, there have been no massacres, and passports are not necessary to enable one to travel inside the country. Jews generally are not allowed to live in

rural districts because experience has shown that they rarely if ever become actual farm laborers, but wish to exploit such laborers, as overseers, etc., to keep inns and drinking places.

After this general statement Mr. Sturdza went on to describe the special circumstances which led to the increased emigration of Jews a few years ago. He said that the Government had never favored such emigration and it had no wish to drive the Jews out of the country. The emigration, he said, was due to bad times, which prevailed for various reasons, but principally on account of drought and failure of crops. For more than a year the laboring population of Roumania was unable to support itself. The Government and the owners of private estates did all that was possible, but there was a great deal of suffering. The bad times were felt particularly in the cities, as building practically stopped, and as the people had no money to spend in the shops. Naturally, many people thought of emigrating, especially among the Jews, who had few local attachments, and soon this emigration was given a political character. Instead of going by rail the Jews began making demonstrative marches through the country, singing and otherwise disturbing the peace. Many of them were not permitted to go further than Budapest and Vienna, and many suffered greatly, but more or less unnecessarily. In the case of those who were turned back, however, the Roumanian Government repatriated them at its own expense, spending several hundred thousand francs for the purpose. The country was in financial straits at the time and certain foreign influences were brought to bear in order to discredit it generally. Had it been forced to grant political rights to the Jews, many Roumanians would have been forced to sell their mortgaged estates, but the situation of the Jews in Roumania, especially the poorer classes, would not have been materially improved.

During the last summer I have travelled more or less about the country and have visited Jassy, Berlad, Galatz, Braila, and other cities and done my best to inform myself as to the exact situation. * * * The general feeling is that the naturalization of Jews must be a gradual matter—as they become educated up to being Roumanians.

JOHN B. JACKSON.

This rather melancholy series of dispatches at least gives us the satisfactory assurance that our Government for many years past has, as far as lay in its power, done its duty in the matter of full protection to its own citizens and in urging the

claims of humanity on behalf of citizens or subjects of other states who are persecuted or outraged.

The efforts of the late Mr. B. F. Peixoitto were along similar lines. How futile they were we all know. How completely the Roumanian Government broke faith with the nations of the earth is a matter of which none need to be reminded. If they do require such a reminder it will be found in the diplomatic note referred to above, addressed by Secretary Hay, on August 11, 1902, to the signatories of the Berlin treaty. The note is based almost exclusively upon the effect to the United States which resulted from the unjust treatment of the Jews in Roumania, though Mr. Hay asserts that "this Government cannot be an outside party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity."

This note has been without immediate effect and the correspondence of our present Minister to Athens, who is also accredited to Bucharest, is not of an edifying character. His duties at Athens and other places probably did not allow him to spend enough time in Roumania to become acquainted with the conditions there himself, and in the dispatches he made himself the mouthpiece of the court circle. This condition of affairs will be remedied in the near future. Congress has, at the recommendation of the President, provided for a legation at Bucharest. It is profoundly to be hoped that the person appointed to this mission, the first one holding the position of Envoy Extraordinary and Minister Plenipotentiary to Roumania, will have the clear-sightedness to ascertain the conditions there for himself aside from the statements that he will receive from the court circle, and the force to impress upon Roumania the views of the United States and of the civilized world as to her breach of faith. Roumania herself a country long subjected to persecutions

and oppression, freed by the act of other nations and the joint agreement of Europe; erected into a sovereign state upon the condition of equal treatment to all, should without coercion, from a sense of shame if not of obligation, have wiped every inequality from her statute book and her legislative, executive and judicial procedure.

RUSSIA.

The present study and collection naturally grew out of the question of the American passport in Russia and so voluminous is the correspondence upon this single point that I can hardly hope to do more than give a very brief summary. I take the liberty of referring anyone interested in more details than it is possible to present here to the compilation which I prepared for the American Jewish Year Book for 1904-5.

The first dispatch, specifically relating to the Jews of Russia, is one from Mr. Eugene Schuyler addressed to Mr. Fish, March 15, 1875, in which he encloses a report of Mr. V. Grigorieff, member of a Commission for the Improvement of the Life of the Hebrews, on the question of their place of residence. Mr. Schuyler, in presenting the report, says that it is to be hoped that the Commission will devise some method for relieving the ignorance and distress which certainly exist among the Hebrews of the Eastern provinces.

The memorandum which Mr. Schuyler transmitted was highly unfavorable to the Jews, and one can hardly see why it should have been forwarded with but the slight comment he made, and why it should have been enshrined in our Foreign Relations.

The first case which arose concerning the rights of an American citizen was described in the dispatch of Mr. Hoffman to Mr. Evarts, dated May 29, 1879. A Mr. Rosenstrauss, a naturalized citizen desired to hold real estate in Russia. Our consul, by the name of Edwards, informed Mr. Rosenstrauss that the treaty in force between the United States

and Russia gave him no rights in addition to those held or enjoyed by Russian subjects of like faith. This case does not seem to have been a very favorable one. Rosenstrauss was practically permanently settled at Kharkoff and was making no return whatever for the protection he claimed from the United States.

On April 4, 1880, Secretary Evarts wrote to Mr. Foster at St. Petersburg, referring to the letter of Messrs. Simon Wolf and A. S. Solomons, representing the Board of Delegates on Civil and Religious Rights of the Union of American Hebrew Congregations, and pointing out that the Jews in Russia had been subjected by the Government there to extreme hardships. The view of the Department is expressed in the following terms:

[*Mr. Evarts to Mr. Foster.*]⁵⁷

DEPARTMENT OF STATE,
WASHINGTON, April 14, 1880.

Sir.—I have received a letter from Messrs. S. Wolf and A. S. Solomons, of this city, representing the "Union of American Hebrew Congregations," in which they refer to newspaper statements indicating that the Jews in Russia have recently been subjected by the government there to extraordinary hardships, and expressing a desire that the minister of the United States to St. Petersburg may be instructed to "make such representations to the Czar's government, in the interests of religious freedom and suffering humanity, as will best accord with the most emphasized liberal sentiments of the American people." The writers of the letter observe at the same time that they are well "aware of the impropriety of one nation interfering with the internal affairs of another in matters of a purely local character."

You are sufficiently well informed of the liberal sentiments of this government to perceive that whenever any pertinent occasion may arise its attitude must always be in complete harmony with the principle of extending all rights and privileges, without distinction on account of creed, and cannot fail, therefore, to conduct any affair of business or negotiation with the government to which you are accredited, which may involve any expression

⁵⁷ Foreign Relations, 1880, page 873.

of the views of this government on this subject, in a manner which will subserve the interests of religious freedom. It would, of course, be inadmissible for the Government of the United States to approach the Government of Russia in criticism of its laws and regulations, except so far as such laws and regulations may injuriously affect citizens of this country, in violation of natural rights, treaty obligations, or the provisions of international law, but it is desired that the attitude of the minister, as regards questions of diplomatic controversy, which involve an expression of view on this subject, may be wholly consistent with the theory on which this government was founded.

I am, sir,

WM. M. EVARTS.

And now begin a series of cases with regard to the expulsion of Jews who were naturalized American citizens. Some of the dispatches bearing on these are well worth quoting:

[*Mr. Evarts to Mr. Foster.*] ⁵⁸

DEPARTMENT OF STATE,

WASHINGTON, September 4, 1880.

Sir.—I have to acknowledge the receipt of Mr. Hoffman's No. 23 of the 11th ultimo in the Pinkos case.

Notwithstanding the tenor of your No. 9 and of your note to the Department of July 24 last, as to the inexpediency of presently appealing to the Government of the Czar in the sense of the instruction of June 28 last, touching the expulsion of citizens of the United States from Russia (or certain cities thereof) by reason of their religious convictions, the statements of Mr. Hoffman's No. 23, of August 11 last, are such that the Government of the United States would seem indifferent to the cause of its citizens in Russia did it neglect to make immediate remonstrance as set forth in said instructions of June 28. Mr. Hoffman's inference from the facts connected with Mr. Pinkos' departure from Russia is that Mr. Pinkos had made up his mind that Russia "was no place for one of his creed."

If the meaning of this is that a citizen of the United States has been broken up in his business at St. Petersburg simply for the reason that he is a Jew rather than a believer in any other creed then it is certainly time for this government to express itself as

⁵⁸ Foreign Relations, 1880, page 880.

set forth in the instruction above mentioned. It should be made clear to the Government of Russia that in view of this government the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States, and that in the eye of this government an injury officially dealt to Mr. Pinkos at St. Petersburg on the sole ground that he is a Jew, presents the same aspect that an injury officially done to a citizen of Russia in New York for the reason that he attends any particular church there, would to the view of His Majesty's Government.

It is evident that the losses incurred by the abandonment of his business in St. Petersburg will afford Mr. Pinkos ground for reclamation, if no other case can be shown for the official breaking up of his said business than the religious views he entertained.

The direct application to have Mr. Pinkos indemnified, however, may be deferred until he shall make it appear what those losses were.

WM. M. EVARTS.

[*Mr. Foster to Baron Jomini.*]⁵⁹

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, September 2-14, 1880.

Excellency.—The expulsion from this city of Henry Pinkos, a citizen of the United States, with the aggravating circumstances attending it, having been brought to the attention of my government, I have been instructed by the Secretary of State to make known to your excellency the views of my government thereon, and to protest against the treatment which said citizen has received.

Although the case has been heretofore brought to the attention of your excellency's department, it may be well to recall the facts attending it. In the month of April, last, before I assumed the charge of this legation, Henry Pinkos applied to the consul-general of the United States in this capital for relief from an order which he said he had received from the police authorities to leave St. Petersburg, the only reason for his expulsion, as he understood it, being that he was a Jew. He was provided with a passport fully authenticating his American citizenship. The consul-general, upon inquiry, was informed that he was an industrious and quiet tradesman, and with a wife and one child

⁵⁹ Foreign Relations, 1880, page 881.

had been residing in this city for some months. In the frequent interviews of the consul-general with the police authorities no charges or intimations were ever made that Pinkos was other than a peaceable and law-abiding resident.

The only relief which the consul-general and the chargé d'affaires of this legation could obtain from the police authorities was a suspension of a few days of the order of expulsion, until Mr. Hoffman was able to communicate with the foreign office and obtained through Mr. de Giers permission for Pinkos to remain for three months to enable him to close up his business. At the expiration of this period Pinkos, having sold his little property at a sacrifice, proceeded to obey the order, placed his baggage on board a vessel at Crondstadt, and when preparing to embark with his family he was asked by the police for his passport; whereupon he presented his American passport with which he had entered the country, with the police indorsement upon it ordering him to leave St. Petersburg, which he supposed was sufficient. The police informed him that this was not sufficient, and compelled him and his family to return to St. Petersburg. The captain of the vessel refused to refund him the passage money paid, and sailed without him, carrying off his luggage. Having obtained from the authorities the permission required by the police, finding himself penniless, he was indebted to private charity for the means to leave the country, which he has done in compliance with the original order referred to above.

While the order was in its form merely an expulsion from St. Petersburg, Mr. Pinkos understood it to be virtually an order to leave the empire, in view of the fact that similar measures had been taken in Moscow and other cities, and of the announcement in the public press, that foreign Jews were to be excluded from the country.

The Secretary of State instructs me to state to your excellency that in the presence of the fact that an American citizen has been ordered to leave Russia on no other ground than that he is the professor of a particular creed or the holder of certain religious views, it becomes the duty of the Government of the United States which impartially seeks to protect all of its citizens of whatever origin or faith, solemnly, but with all respect to the Government of His Imperial Majesty, to protest. As this order of expulsion is understood to apply to all foreign Jews, in certain cities or localities, at least, of Russia, it is, of course, apparent that the same is not directed specially against the government of which Mr. Pinkos is a citizen, and, indeed, the long-standing amity which has united the interests of Russia with those of the

Government of the United States would of itself forbid a remote suspicion that such might be the case. Notwithstanding this aspect of the matter the United States could not fail to look upon the expulsion of one of its citizens from Russia, on the simple ground of his religious ideas or convictions, except as a grievance, akin to that which Russia would doubtless find in the expulsion of one of her own subjects from the United States, on the ground of his attachment to the faith of his fathers.

It having been intimated to the Secretary of State by this legation that the reason of this order may be found in the supposed implication of Jews in the plots formed against the life of His Imperial Majesty, the Emperor, the Secretary directs me to say that in so far as this may be true, the Government of Russia has the entire sympathy of the Government of the United States, in all just preventive efforts, and if there exists any good evidence that Mr. Pinkos has been connected with any of these attempts, the Government of the United States could not object to this expulsion on that ground. But neither the police authorities in the several communications which the members of the consulate-general and this legation have had with them, in their efforts to obtain relief for Mr. Pinkos, nor your excellency's department, in the notes addressed to this legation on the subject, have ever intimated of the existence of such a charge. Nor does the character of citizens of the United States of Jewish faith afford ground for the supposition that they would be likely to engage in conspiracies or plots against the established government of the country.

From the foundation of the United States as a nation, they have been entitled to full and unrestricted privileges of citizens, and have shown themselves to be peaceable and law-observing in their conduct, quiet and industrious in their habits and are esteemed a valuable portion of the community, so that in so far as the regulation for the expulsion of foreign Jews from Russia affects American citizens, whatever may be the conduct of their co-religionists of this or other countries, it is an unjust reflection upon American Jews as a class and a discrimination which cannot be acquiesced in by my government.

As, then, it does not appear that any criminal or improper conduct has been established against Mr. Pinkos, the Secretary confidently submits to His Imperial Majesty's Government, whether in view of the fact that Mr. Pinkos has been interrupted in his peaceful occupations and expelled from Russia on the sole ground that his religious views are of one kind rather than another, he

is not justly entitled to make reclamation for the damage and loss to which he has been subjected.

In thus presenting, for consideration and appropriate action, the views of my government upon this important subject, I improve, etc.,

JOHN W. FOSTER.

[*Mr. Foster to Baron Jomini.*]⁶⁰

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, Oct. 7, 1880.

Excellency.—I beg to bring to your excellency's attention the following facts, as they have been reported to me by the legation of the United States at Berlin.

Mr. Marx Wilczynski, a citizen of the United States, is the agent of an American mercantile firm, and as such has much business in Russia. On his last visit to this country he was granted a passport by the American legation at Berlin, with which he entered Russian territory, observing the proper requirements in regard to passports and encountered no difficulty until he reached St. Petersburg, where he was not permitted by the police authorities to remain, for the reason that he was a Jew; and an indorsement to that effect was placed upon his passport. He states that when this order was served upon him he did not have time to apply to this legation for advice or assistance, and he has taken the first opportunity after his expulsion to resort to the nearest diplomatic representative for interposition in his behalf. The interests of the American mercantile firm which he represents require him to return to this country and this city. I enclose herewith the passport with which Mr. Wilczynski came to Russia, in order that your excellency may see the prohibitory order placed upon it by the police of this city. After due examination, I have to request that the passport may be returned to me.

It became my duty, in the note which I had the honor to address to your excellency on the 2d (14th) ultimo, in a case similar to the present one, to make known the views of my government in regard to the expulsion of one of its citizens simply for the reason that he was a Jew rather than a believer in any other creed; and I must again respectfully but solemnly protest against this new infringement upon the rights of American citizens and of the comity which should exist between friendly nations.

Your excellency will not fail to notice that the action of the

⁶⁰ Foreign Relations, 1881, page 992.

police authorities in the present case, as well as that of Mr. Pinkos bears the grave aspect of an interference with the reciprocal liberty of commerce, which is guaranteed by solemn treaty stipulations, and the development of which is so ardently desired by both countries.

On account of this new instance, it is regarded as important that it should be made clear to your excellency's government that in the view of the Government of the United States, the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States; and that in the eye of my government an injury officially dealt to Mr. Wilczynski or Mr. Pinkos, in St. Petersburg, on the sole ground that they are Jews, presents the same aspect that an injury officially done to a subject of Russia in New York if he attends any particular church there, would to the view of His Majesty's Government.

I have, therefore, respectfully to request that Mr. Wilczynski may be freely permitted to return to Russia to prosecute his business engagements, and that the police authorities of St. Petersburg be instructed not to molest him in his lawful pursuits. In view of the exigencies which may require his early return, I venture to express the hope that it may be found convenient with an early reply to this request.

It is very gratifying to me to have this opportunity to reassure your excellency of my highest esteem and profound consideration.

JOHN W. FOSTER.

[*Mr. Foster to Mr. White.*] ⁶¹

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, October 18, 1880.

My dear Colleague.—I am in receipt of your letter of the 15th instant, with which you inclose the passport of the American citizen, Marx Wilczynski, with the indorsement of the police of St. Petersburg, forbidding him to reside here, and you inquire whether such order can be rescinded and what rights American citizens of the Israelitish faith have in Russia.

The laws of Russia impose certain disabilities upon all Jews, among which is the prohibition against residence in St. Petersburg and certain other localities. In the past few years this prohibition has been repeatedly enforced against Americans of the Jewish faith, and acquiesced in by my predecessors. I was

⁶¹ Foreign Relations, 1881, page 991.

thoroughly convinced of the injustice of the prohibition, but did not feel warranted in reversing the precedent set by my predecessors, without first referring the question to the Department. Secretary Evarts has instructed me in a recent case to protest against the expulsion of Jewish American citizens, and I have accordingly done so. I will repeat the protest whenever occasion requires, and endeavor to obtain relief for citizens of the United States; but whether the Russian Government will be influenced by my protest and endeavors remains to be seen.

In Mr. Wilczynski's case I will send the minister of foreign affairs a note protesting against the action of the police authorities and will ask that instructions be given to said authorities not to disturb him in his lawful pursuits in case he should return to this city.

It will not be safe, however, for Mr. Wilczynski to come to Russia until I shall have obtained an assurance from the minister that he can do so without interference on the part of the authorities. It may be some time before I can receive an answer from the minister, as the Emperor is now in Crimea, and General Melikoff, to whose department the subject pertains, is also temporarily absent from this city. In case Mr. W.'s business affairs should make it urgent that he have an early reply, you will please to inform me, and I will then consider the propriety of calling in person at the foreign office and pressing an early solution of the matter.

The prohibition against Jewish residence in St. Petersburg was not strictly enforced until the late Nihilistic movement caused an order to be issued expelling all foreign Jews. I am satisfied that sooner or later the Russian Government must modify or repeal its illiberal laws respecting the Jews, and I will lose no proper opportunity to do what I can to hasten that event; but it is very doubtful whether it will consider the present an opportune time.

I am, etc.,

JOHN W. FOSTER.

[*Mr. Hay to Mr. Foster.*]^a

DEPARTMENT OF STATE,

WASHINGTON, October 22, 1880.

Str.—I have to acknowledge the receipt of your Nos. 37 and 41, of the respective dates of the 16th and 21st ultimo, reporting your

^a Foreign Relations, 1881, page 993.

action upon the recent instructions of the Department in the special case of Henry Pinkos, and upon the general subject of the expulsion of American citizens from Russian cities on no other ground than profession of the Hebrew faith.

Your course appears to have been discreet, and it is hoped that you will press your representations to the successful establishment of the principle of religious toleration for our citizens peacefully residing or travelling abroad, which we as a nation have such a deep interest in maintaining.

I am, etc.,

JOHN HAY,
Acting Secretary.

On December 1, 1880, Mr. de Giers wrote to Mr. Foster, claiming that the action in regard to the Pinkos case was in entire accord with Russian law, this being the substance of the entire dispatch, but the upshot was that Mr. Wilczynski was authorized to return to St. Petersburg and remain there six months.

[*Mr. Everett to Mr. Foster.*]⁶³

LEGATION OF THE UNITED STATES,
BERLIN, December 18, 1880.

Sir.—In Mr. White's absence I have the honor to acknowledge your letter of the 14th instant, returning Mr. Wilczynski's passport and stating that he would be allowed to stay six months if he returned there. At the time his old passport was sent to you Mr. Wilczynski took out a new one, and said that he should not have any difficulty in returning to St. Petersburg, and staying as long as he wished for business purposes, as he was personally known to high officials in some of the departments, with which he had transacted business for some years. But his grievance was that he was expelled, as he understood, for being a Jew, and he wished to ascertain whether there was such a law against Jews, and whether the American legation could not protect our citizens against it.

I have been informed by one of the Russian secretaries of legation here that there is no law in St. Petersburg expelling Jews merely because they are Jews; but that probably this gentleman had failed to comply with some regulation in his business trans-

⁶³ Foreign Relations, 1881, page 1005.

actions, or had perhaps associated with some of the suspected characters in the city, or was one of the Polish refugees, who it appears are an obnoxious class there.

Mr. Wilczynski has not called at this legation again, and it is probable that he is now in Russia, as he expressed his intention of returning there very shortly.

With many thanks for the trouble you have taken in the matter, I am, etc..

H. SIDNEY EVERETT.

On December 30, 1880, Mr. Foster reports to Mr. Evarts a long conversation with Mr. de Giers, from which the following extract is made: "In the course of the conversation, I stated that while the object of the interview was to obtain proper recognition of the rights of American Jews, my Government took a great interest in the amelioration of the condition of the Jewish race in other countries, and I was satisfied that it would be highly gratified at the statement of the Minister that a Commission was now considering the question of the modification in a liberal sense of the Russian laws regarding the Jews. The experience of the United States had amply shown the wisdom of removing all discriminations against them in the laws, and of placing their race upon an equal footing with all other citizens."

Mr. Foster also reports a conversation with Gen. Melikoff, who explained to him that while Russia would be glad to give liberal treatment to bona-fide American citizens, not disguised German Jews, he saw no way of changing their laws, to which Mr. Foster replied that he was sorry to learn that these laws could not be repealed, adding that such a course would be much more in accordance with the views entertained by his Government and that it would be much more gratifying to it to see all the prohibitions against Jews, native as well as foreign, abolished.

Mr. Foster also described another conference in which our Chinese exclusion laws were cited against the American contention, and many reasons were given why the laws against the Jews could not be abrogated. This long dispatch ends

up with the statement that the Russian Government declined to accept the view of the Department that the treaty of 1832 concedes to American citizens of the Jewish faith no other or greater privileges than those enjoyed by Russian subjects of the same race. On the next day, December 31, 1880, Mr. Foster sent another long dispatch which follows:

[*Mr. Foster to Mr. Evarts.*] ⁶⁴

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, December 31, 1880.

Sir.—In my No. 73 of yesterday I have given the result of my efforts to obtain a modification of the laws of Russia in regard to foreign Jews, so as to exempt American Jews from the prohibition against residence in St. Petersburg and other cities of the Empire. As a supplement to that dispatch, it may be of interest to have some information as to the condition and treatment of the Russian subjects of the Jewish faith.

From early times there have existed laws prohibiting the entrance or residence of Jews in Russia, and while there were occasional exceptions to the laws the prohibition was generally enforced with rigor up to the incorporation of Poland with the Empire. From that date it was sought to confine the Jews to the Polish provinces. But the Jews in these provinces furnished their full contingent, and, it is alleged by them, more than their ratio to the Russian army; and as it often happened that at the expiration of their term of service they were in different or distant parts of the Empire from their homes, upon their discharge they were permitted to live in the provinces where discharged, because they were old soldiers, and in spite of the laws prohibiting the residence there of Jews. The presence of the greater part of this race in other districts of Russian than Poland is accounted for in this way, they being either discharged soldiers or their children.

But in addition to these a considerable number of Jews are found in the large cities and commercial towns, many of whom are authorized to become permanent residents under exceptions which have been made to the prohibitory laws. For instance, Jews possessing a certain mercantile standing are admitted as members of the first or commercial guild, and with the authori-

⁶⁴ Foreign Relations, 1881, page 1005.

zation of the law, engage in banking and mercantile pursuits. And these members of the guild are permitted to employ a certain number of Jewish clerks, servants, artisans, or other employés. So, also, exceptions are made in favor of members of the learned professions and graduates of the universities or other educational or scientific institutions. The latitude of constructions placed upon these exceptions depends very much upon the will of the local authorities, as also the strictness with which the prohibitory laws are enforced; so that in all the cities of Russia the number of Jewish residents will be found more or less in excess of the police registry and greater than the strict interpretation of the law authorizes. For instance, persons who have given the subject close attention as I stated to the minister of foreign affairs, estimate the number of Jewish residents in St. Petersburg at 30,000, while it is stated the number registered by the police authorities is 1,500. From the same source I learn that, while the government does not recognize their legal existence, nine synagogues in this city are known to the authorities, and that there are other private places of worship; and that, while only one Hebrew school is registered by the police, there are between three and four thousand children in unauthorized Jewish schools of this capital. As another indication of the extent of Jewish influence, it is worthy of note that one or more Jewish editors or writers are said to be employed on the leading newspapers of St. Petersburg and Moscow almost without exception. It is claimed that Jews of wealth, of established professions or occupations or of good social standing or influence, have little difficulty in securing express or tacit exemption from the laws.

These facts indicate that the laws proscribing the Jewish race are not enforced with great strictness; and intelligent Jewish residents of this city, native Russian subjects, who are laboring for the amelioration of the condition of their brethren, recognize the great advance which has been made during the present reign in the liberal construction which is placed upon the laws, in the exceptions which have been made tending to relax their vigor, and in the increased privileges which have been granted, such as admission to the universities, the practice of professions and avocations, and holding of government offices, denied to them a generation ago. At the same time the proscription laws remain, and the government reserves to itself the right to enforce them with strictness or relax them at its will.

It is to be noted that intelligent Russian Jews repel the charge that their race in this country have manifested a spirit of law-

lessness or hostility to the established government, and they deny that a greater proportion of Jews than of other classes have been complicated in the conspiracies or attempts upon the life of the Emperor, and in confirmation of their denial they point to the fact that of the sixteen persons who were arraigned last month in the state trials of the Nihilists only one was a Jew.

I am, etc.,

JOHN W. FOSTER.

And, on March 25, 1881, he writes to Mr. Blaine a dispatch which constituted an advance upon the previous dispatch.

[*Mr. Foster to Mr. Blaine.*] ⁶⁵

LEGATION OF THE UNITED STATES, \

ST. PETERSBURG, March 25, 1881.

Sir.—In acknowledging the receipt of Department No. 55, of the 3d instant, I desire to express my thanks for the kindly commendation of my presentation of the cases of Pinkos and Wilczynski, and of the general question of the treatment of the Jews in Russia.

I make careful note of the desire manifested by the late honorable Secretary of State to appeal strongly to the treaty guarantee of personal freedom to American citizens sojourning peaceably, for business or pleasure, in Russia, without regard to their religious belief. I have constantly made this appeal in my conversations with and communications to the Russian authorities. But it will be noted in my No. 73, of December 30, that I called attention to the fact that the Russian government denies that the treaty of 1832 secures to American citizens of the Jewish faith sojourning in Russia any other or greater privileges than those enjoyed in this empire by Russian subjects of the same faith. From the concluding sentence of Department No. 65, it would seem that the late Secretary's construction of the treaty was that American citizens in Russia were entitled to the same rights and personal freedom as are extended to Russian subjects sojourning in the United States. This interpretation has never as yet been presented to the Russian Government, nor has the treaty been so considered by my predecessors. If that view is to be insisted upon, I will thank you for specific instructions regarding this point. As stated in my No. 73, the laws imposing disabilities

⁶⁵ Foreign Relations, 1881, page 1012.

upon Jews, both foreign and native, antedate the treaty of 1832, and the minister of foreign affairs claims that said treaty does not exempt American Jews coming here from their operation.

I have strongly insisted that the passport of his government should protect every peaceable American citizen coming to Russia, and that it is not proper to institute inquiry as to the religious belief of such citizen. The Department is correct in the supposition indicated, that no American citizen has been convicted of Judaism by "judicial procedure." But it is to be borne in mind that in Russia it is not necessary that a judicial procedure should take place, or even the "military stage of sieze" exists, before a person undergoes the sentence of the law. The laws and regulations in question are usually intrusted to the police authorities, and it is sufficient for them to be satisfied in their own minds that the individual comes within the prohibitions to have them enforced.

I shall not fail to continue to press the subject upon the Russian Government at every proper opportunity.

I am, etc.,

JOHN W. FOSTER.

What I regard as the classical dispatch on the subject is the following sent by Mr. Blaine to Mr. Foster, which is not published in the Foreign Relations in full, although covering many pages.

[*Mr. Blaine to Mr. Foster.*] ⁶⁶

DEPARTMENT OF STATE,

WASHINGTON, July 29, 1881.

* * * * *

Sir.—From a careful examination of the cases of grievance heretofore reported by your legation, it appears that the action of the Russian authorities toward American citizens, alleged to be Israelites, and visiting Russia, has been of two kinds:

First. Absolute prohibition of residence in St. Petersburg and in other cities of the Empire, on the ground that the Russian law permits no native Jews to reside there, and that the treaty between Russia and the United States gives to our citizens in Russian jurisdiction no other rights or privileges than those ac-

⁶⁶ Foreign Relations, 1881, page 1030.

corded to native Russians. The case of Henry Pinkos may be taken as a type of this class.

Second. Permission of residence and commerce, conditionally on belonging to the first guild of Russian merchants and taking out a license. The case of Rosenstrauss is in point.

The apparent contradiction between these two classes of actions becomes more and more evident as the question is traced backward. The Department has rarely had presented to it any subject of inquiry in which a connected understanding of the facts has proved more difficult. For every allegation, on the one hand, that native laws, in force at the time the treaty of 1832 was signed prohibited, or limited the sojourn of foreign Jews in the cities of Russia, I find, on the other hand, specific initiation to alien Hebrews of good repute to domicile themselves in Russia, to pursue their business calling under appropriate license, to establish factories there, and to purchase or lease real estate. Moreover, going back beyond 1832, the date of our treaty, I observe that the imperial ukases concerning the admission of foreigners into Russia, are silent on all questions of faith; proper passports, duly vised being the essential requisite. And, further back still, in the time of the Empress Catherine, I discover explicit tolerance of all foreign religions laid down as a fundamental policy of the empire.

Before examining the issues directly before us, it may not be out of place to give a brief review of these historical data.

The ukase of the Empress Catherine, of 22d February, 1784, although concerning only the establishment of commercial relations with the new possessions of Russia on the Black Sea, contains the following notable declaration:

That Sebastopol, Kherson, and Theodosia be opened to all the nations friendly to our empire for the advantage of their commerce with our faithful subjects, * * * that the said nations may come to these cities in all safety and freedom. * * * Each individual of such nation, whosoever he may be, as long as he shall remain in the said cities by reason of his business, or of his own pleasure, shall enjoy the free exercise of his religion, according to the praiseworthy precepts handed down to us by the sovereigns our predecessors, and which we have again received and confirmed, "that all the various nationalities established in Russia shall praise God, the All Powerful, each one after the worship and religion of his own ancestors, * * * and we promise, upon our imperial word, to accord to all foreigners in these three cities the same advantages which they already enjoy in our capital and seaport, St. Petersburg, etc.

The full text of this ukase, which breathes a spirit of large and enlightened tolerance in advance of the policy of those days, is well worthy of perusal, and may be consulted in Vol. 4 of Marten's "*Recueil des Traités*," 1st edition, Gottingen, 1795, pages 455-457.

The imperial ordinance of the Czar Alexander I, of 13th August, 1807, decrees a rigid system of passports for foreigners entering Russia, and is applicable to "all foreigners, of whatsoever nationality," but intimates no restriction on travel or sojourn in Russia by reason of race or faith. This ordinance was modified and amplified by the ukase of 25th February, 1817, but still without any manner of religious proscription or restriction.

From this time down to 1860 I can find no trace of the enforcement especially against American citizens, of the restrictions against Jewish travel and residence which are stated to have existed when our treaty with Russia was signed. It is a significant circumstance that the acknowledged authorities on private international law, writing during this period upon the legislation of all Europe as affecting the persons and rights of aliens, make no reference to such disabilities. Even the painstaking Foelix is silent on the point, although devoting much space to the treatment and rights of aliens in Russia. I do not desire to be here understood as arguing that the asserted disabilities did not exist at that time. The domestic history of the Russian Empire shows plainly the restrictions placed upon native Hebrews and especially those of Polish origin, the efforts to confine them to certain parts of the empire, and the penalties sought to be imposed to deter them from mingling with the Christian subjects of the Czar. But the same history shows the gradual relaxation of those measures, until, in the capital itself, the native Israelite population is said to number some thirty thousand souls, with their synagogues and sectarian schools; while a special ukase of the late Czar distinctly recognizes to foreign Hebrews every privilege of residence and trade, in a certain guild, which native Christian subjects possess.

The ukase of the Emperor Alexander II, of 7th June, 1860, after premising that the need of commercial development and the principles of international reciprocity make it proper to concede "to foreigners dwelling in Russia the same rights as those which our subjects enjoy already in the principal countries of Europe," proceeds to permit all aliens to enter any of the trading guilds on the same footing as natives and to thereupon enjoy all the commercial privileges which these guilds confer upon native Russian traders, with the following qualification:

First Remark.—Foreign Hebrew subjects known by reason of their social position and the wide extent of their commercial operations, who come from foreign lands, may, after the established formalities, that is to say, upon a special authorization, issued in each case by the ministers of finances, of the interior, and of foreign affairs, trade in the empire and establish banking houses therein, upon procuring the license of a merchant of the first guild. It is likewise to these same Israelites to establish factories, to acquire and to lease real estate conformably to the prescriptions of the present ukase.

This provision, it will be observed, extends to the whole territory of the empire. If, as I understand the response of the Russian ministry in the case of Henry Pinkos, native Israelites are forbidden by law from residing or trading in the capital, then this ukase places all foreign Jews (whether belonging to treaty powers or not) on a more favored footing. But if native Hebrews, as a fact, are permitted to reside in St. Petersburg and engage in trade in other guilds than the so-called "first guild," there may then well be question whether such restriction to a particular guild in the case of an American Israelite is consonant with the express opinions of the treaty of 1832, Article 1. This point was in fact raised in the case of Theodore Rosenstrauss at Kharkoff, which is narrated at length, with all the correspondence therein exchanged, in Mr. Jewell's dispatch No. 20, of December 15, 1873; but it does not seem to have been then exhaustively considered whether the complainant received, under the treaty, the like treatment with the native Hebrews of Kharkoff, or whether he was constrained to obey the ukase of 1860, which, as I have above remarked, is framed for general application to all aliens and irrespective of treaty rights. It is, however, not my present purpose to reargue this old case, but simply to call attention to the fact that the Russian law may, and possibly does, modify and restrict treaty rights. The Rosenstrauss case was special in its nature, and concerned commercial privileges, under a promulgated license law of the empire. It may be necessary, at some future time, to discuss the question it involves, but just now I am concerned with a different class of cases, namely, those of American citizens visiting Russia for private business, or for pleasure and travel and duly provided with the passports of this government authenticating their national character and their consequent right to all the specific guarantees of our treaty.

This brings me again to the cases of Pinkos and Wilczynski. It is unnecessary here to recapitulate the facts therein, as they

are amply presented by the files of your legation, and by the correspondence had with the Russian foreign office. It is sufficient to characterize them as instances of the notified expulsion from St. Petersburg, by the police or military authorities, of American citizens, not because of any alleged failure to comply with the ukase of 1860, or with the Russian commercial code, but simply on the allegation, unsupported by proof, that they professed the Israelitish faith, and that the law forbade the sojourn of native Israelites in the imperial capital. On this brief formulation of the case, this government believes that, under its treaty with Russia, and in view of its treatment of Russian subjects resorting under like circumstances to the United States, it has just ground for complaint, and expectancy of better treatment from the government of Russia.

The provision of our treaty of 1832 with Russia, governing the commercial privileges of the citizens and subjects of the two countries is as follows:

Article I. There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation.

The inhabitants of their respective states shall mutually have liberty to enter the ports, places and rivers of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

Article X confers specific personal rights reciprocally. In respect of this article an infringement alike of the letter and the spirit of the treaty is not only possible, but probable, under the rigid interpretation of the Jewish laws upon which Russia seems disposed to insist. Its stipulations concern the right to dispose of personal property in Russia owned by or falling to American citizens, who may receive and dispose of inheritances and have recourse to the courts in settlement of questions arising thereunder. It certainly could not be seriously claimed or justly admitted that an American Hebrew, coming within the provisions of this article, is to be treated as a candidate for commercial privi-

leges, and required to take out a license as a trader of the first guild, subject to the approval of his application by the ministries of finance, interior, and foreign affairs. A personal right, not a mercantile privilege, is conferred. To bar an American citizen whose rights might be so concerned from personal appearance in protection of those rights would be a distinct departure from the engagement of the treaty; while to suppose that his case might come under the discretional authority of the police or military power, which might refuse his personal sojourn in any part of the empire, or allow it under conditions depending on their good will, is to suppose a submission of the guarantees of the treaty to a tribunal never contemplated by its framers.

Upon a case arising, this government would hold that the treaty conferred specific rights on all American citizens in the matter of the disposition of their personal property, irrespective of any condition save those which the article itself expressly creates; that their actual presence when necessary to protect or assert their interests is absolutely guaranteed whenever and for whatever time it may be needful; and that this international engagement supersedes any municipal rule or regulation which might interfere with the free action of such individuals.

It would be, in the judgment of this government, absolutely inadmissible that a domestic law restraining native Hebrews from residence in certain parts of the empire might operate to hinder an American citizen whether alleged or known to profess the Hebrew faith, from disposing of his property or taking possession thereof for himself (subject only to the laws of alien inheritance) or being heard in person by the courts, which, under Russian law, may be called upon to decide matters to which he is necessarily a party. The case would clearly be one in which the obligation of a treaty is supreme, and where the local law must yield. These questions of the conflict of local law and international treaty stipulations are among the most common which have engaged the attention of publicists, and it is their concurrent judgment that where a treaty creates a privilege for aliens in express terms, it cannot be limited by the operations of domestic law without a serious breach of the good faith which governs the intercourse of nations. So long as such a conventional engagement in favor of the citizens in another state exists, the law governing natives in like cases is manifestly inapplicable.

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign states for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their

origin or creed. So that they abide by the laws, at home or abroad, it must give them due protection and expect like protection for them. Any unfriendly or discriminatory act against them on the part of a foreign power with which we are at peace would call for our earnest remonstrance, whether a treaty existed or not. The friendliness of our relations with foreign nations is emphasized by the treaties we have concluded with them. We have been moved to enter into such international compacts by considerations of mutual benefit and reciprocity, by the same considerations, in short, which have animated the Russian Government from the time of the noble and tolerant declarations of the Empress Catherine in 1784 to those of the ukase of 1860. We have looked to the spirit rather than to the letter of those engagements, and believed that they should be interpreted in the broadest way; and it is, therefore, a source of unfeigned regret to us when a government, to which we are allied by so many historical ties as to that of Russia, shows a disposition in its dealings with us to take advantage of technicalities, to appeal to the rigid letter and not the reciprocal motive of its international engagements in justification of the expulsion from its territories of peaceable American citizens resorting thither under the good faith of treaties and accused of no wrong-doing or of no violation of the commercial code of the land, but of simple adherence to the faith of their fathers.

That the two American citizens whose unfortunate cases have brought about this discussion were not definitely expelled from St. Petersburg, but were allotted, by the military authorities, a brief time to arrange their private affairs, said to coincide with the usual time during which any foreigner may remain in the empire under his original passport, does not alter the matter as it appears to our eyes. The motive alleged remains the same, and the principle involved is one recognized neither by our fundamental laws nor by any of the conventions we have concluded with foreign states.

It must not be forgotten that this issue, of the banishment of our citizens from a friendly territory by reason of their alleged religion, is a new one in our international relations. From the time when the treaty of 1832 was signed down to within a very recent period, there had been nothing in our relations with Russia to lead to a supposition that our flag did not carry with it equal protection to every American within the dominions of the empire. Even in questions of citizenship affecting the interests of naturalized citizens of Russian origin, the good disposition of the imperial government has been on several occasions shown

in a most exemplary manner; and I am sure the actual counselors of His Majesty cannot but contemplate with satisfaction the near approach made in 1874 to the arrangement of negotiations for a treaty of naturalization between the two countries. On that occasion it will be seen by consulting Mr. Jewell's No. 62, of April 22, 1874, the only remaining obstacle lay in the statutes of the empire touching the conferment and the loss of citizenship, of which the examining commission and the consultative council of state recommended the modification in a sense compatible with the modern usage of nations.

I can readily conceive that statutes bristling with difficulties remain unrepealed in the volumes of the law of Russia as well as of other nations. Even we ourselves have our obsolete "Blue Laws"; and their literal enforcement, if such a thing were possible, might to-day subject a Russian of free-thinking proclivities, in Maryland or Delaware, to the penalty of having his tongue bored through with a red-hot iron for blasphemy. Happily the spirit of progress is of higher authority than the letter of outworn laws; and statutory enactments are not so inelastic but that they relax and change with the general advancement of peoples in the path of tolerance.

The simple fact that thousands of Israelites to-day pursue their callings unmolested in St. Petersburg, under the shadow of ancient proscriptive laws, is in itself an eloquent testimony to the principle of progress. And so, too, in Spain, where the persecution and expulsion of the Jews is one of the most notable and deplorable facts in history, and where the edicts of the earlier sovereigns remain unrepealed, we see to-day an offer of protection and assured right of domicile made to the Israelites of every race.

I leave out of consideration in the present instruction the question whether the citizens or subjects of other nations are more or less favored than our own in this regard. I have not, however, failed to notice the statement made to you by Mr. de Giers, in one of your reported conversations with him, that German and Austrian Jews are subjected to the proscriptions in question, and the implication therefrom that if the Governments of Germany and Austria do not complain, there is no reason why we should.

It is not for me to examine or conjecture the reciprocal motives of policy or of international convention which may govern in these instances. Neither have I failed to remark the seeming uncertainty with which the British Government has approached the case of the English Israelite, Mr. Lewisohn, who was recently required to quit St. Petersburg, notwithstanding that the personal guarantees of the Anglo-Russian treaty of January 12, 1859, in

its eleventh, twelfth, and thirteenth articles, are more particular than in our own treaty, and, were, presumably, like our own stipulations, framed with the intent of securing imparital rights and protection in Russia. I am perfectly willing to rest my argument on the moral weight of our treaty of 1832, although of course not averse to availing myself of any support which may come from any other quarter to fortify what we conceive to have been our clear purpose in executing that instrument. And under no circumstances would I in the name of this government be willing to accept a less measure of impartial privilege for a citizen of the United States visiting or sojourning in Russian territory than is assured to aliens in the like case by any stipulation with or usage toward any other nation on the part of Russia.

I had the honor in my letter of the 20th ultimo to Mr. Bartholomey to acquaint him with the general views of the President in relation to this matter.

I cannot better bring this instruction to a close than by repeating and amplifying those views which the President so firmly holds, and which he so anxiously desires to have recognized and responded to by the Russian Government.

He conceives that the intention of the United States in negotiating the treaty of December 18, 1832, and the distinct and enlightened reciprocal engagements then entered into with the Government of Russia, give us moral ground to expect careful attention to our opinions as to its rational interpretation in the broadest and most impartial sense; that he would deeply regret, in view of the gratifying friendliness of the relations of the two countries which he is so desirous to maintain, to find that this large national sentiment fails to control the present issue, or that a narrow and rigid limitation of the construction possible to the treaty stipulation between the two countries is likely to be adhered to; that if, after a frank comparison of the views of the two governments, in the most amicable spirit and with the most earnest desire to reach a mutually agreeable conclusion the treaty stipulations between the United States and Russia are found insufficient, to determine questions of nationality and tolerance of individual faith, or to secure to American citizens in Russia the treatment which Russians receive in the United States, it is simply due to the good relations of the two countries that these stipulations should be made sufficient in these regards; and that we can look for no clearer evidence of the good will which Russia professes toward us than a frank declaration of her readiness to come to a distinct agreement with us on these points in an earnest and generous spirit.

I have observed that in your conferences on this subject heretofore with the minister of foreign affairs, as reported in your dispatches, you have on some occasions given discreet expression to the feelings of sympathy and gratification with which this government and people regard any steps taken in foreign countries in the direction of a liberal tolerance analogous to that which forms the fundamental principle of our national existence. Such expressions were natural on your part, and reflected a sentiment which we all feel. But in making the President's views known to the minister I desire that you will carefully subordinate such sentiments to the simple consideration of what is conscientiously due to our citizens in foreign lands. You will distinctly impress upon him that, regardless of the sovereignty of Russia, we do not submit any suggestions touching the laws and customs of the empire except where those laws and customs conflict with and destroy the rights of American citizens as secured by treaty obligations.

You can further advise him that we can make no new treaty with Russia, nor accept any construction of our existing treaty, which shall discriminate against any class of American citizens on account of their religious faith.

I cannot but feel assured that this earnest presentation of the views of this government will accord with the sense of justice and equity of that of Russia and that the questions at issue will soon find their natural solution in harmony with the noble spirit of tolerance which pervaded the ukase of the Empress Catherine a century ago, and with the statesmanlike declaration of the principle of reciprocity found in the late decree of the Czar Alexander II in 1860.

You may read this dispatch to the minister for foreign affairs and should he desire a copy, you will give it to him.

JAMES G. BLAINE.

Amidst the praise rightfully accorded to the distinguished public men now in office for their efforts in behalf of our co-religionists this really great dispatch of James G. Blaine and the powerful representations of John W. Foster, still a useful and distinguished citizen of the Republic, should not be forgotten.

But M. de Giers continued to assert that the words in the treaty of 1832, "under the condition of the law then pre-

vailing" were controlling, and subjected the American Jews to the treatment of native Jews.

On April 15, 1882, Mr. Frelinghuysen, abandoning for the moment the strict view of protecting American citizens, sent a dispatch to our legation at St. Petersburg with reference to the riots which had been recently reported.

[*Mr. Frelinghuysen to Mr. Hoffmann.*] ⁶⁷

DEPARTMENT OF STATE,
WASHINGTON, April 15, 1882.

Sir.—The prejudice of race and creed having in our day given away to the claims of common humanity, the people of the United States have heard, with great regret, the stories of the sufferings of the Jews in Russia. It may be that the accounts in the newspapers are exaggerated and the same may be true of some private reports. Making, however, due allowance for misrepresentations, it can scarcely be doubted that much has been done which a humane and just person must condemn.

The President, of course, feels that the Government of the Emperor should not be held morally responsible for acts which it consider wrong, but which it may be powerless to prevent.

If that be true of this case, it would be worse than useless for me to direct you, as the representative of the United States, to give official expression to the feeling which this treatment of the Jews calls forth in this country. Should, however, the attitude of the Russian Government be different, and should you be of the opinion that a more vigorous effort might be put forth for the prevention of this great wrong, you will, if a favorable opportunity offers, state, with all proper deference, that the feeling of friendship which the United States entertains for Russia prompts this Government to express the hope that the Imperial Government will find means to cause the persecution of these unfortunate fellow beings to cease.

This instruction devolves a delicate duty upon you, and a wide discretion is given you in its execution. However much this republic may disapprove of affairs in other nationalities, it does not conceive that it is its right or province officiously and offensively to intermeddle. If, however, it should come to your knowledge that any citizens of the United States are made victims

⁶⁷ Foreign Relations, 1882, page 451.

of this persecution, you will feel it your duty to omit no effort to protect them, and to report such cases to this Department.

FRED'K. T. FRELINGHUYSEN.

Mr. Bayard in 1886 repeated the familiar statement that the Government of the Czar is aware that we do not admit the principle of discriminating against American citizens because of their religious tenets.

There was a lull in dispatches until 1890, the first one being a lengthy dispatch from Mr. Chas. Emory Smith to Mr. Blaine, that the reports of proscriptive measures and expulsions of the Jews were untrue.

[*Mr. Smith to Mr. Blaine.*] ⁶⁸

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, September 25, 1890.

Sir.—You have been advised by previous dispatches from this legation that the published rumors of new proscription measures, or the revival and oppressive application of old and obsolete edicts, against the Hebrew residents and subjects of the Russian Empire are declared by the Russian Government to be entirely groundless. Notwithstanding the authoritative denial of these reports, they still crop up from time to time, and are persistently repeated with a degree of circumstance well calculated to create the impression that they have some foundation of fact. This continued imputation of purpose and acts, to which, if really entertained or executed, we could not be indifferent, renders it proper that I should apprise you of some further evidence on the subject.

The statement recently appeared in the columns of the *London Times* that despite the disavowal of the Russian Government, some five or six hundred Hebrew families residing at Odessa had been summarily notified that they must immediately abandon their homes and, in fact, that they had already been expelled from the country. It has come to my knowledge that, in view of this publication, the British embassy at this capital called on the British consul at Odessa to investigate the story and report upon its truth. His report has now been made, and I am able to communicate its substance. He directed his inquiries not only

⁶⁸ Foreign Relations, 1890, page 701.

among the Government officials, but among the Hebrews themselves, and the latter were as emphatic as the former in declaring that no order of the character described had been issued and no movement of the kind attempted. He found no confirmation of the story in any quarter. A number of Hebrew families had emigrated or were preparing to do so, but this action was entirely voluntary on their part, and was not taken under compulsion. This emigration was explained by the rabbis and the highest authorities among the Hebrews as due to the fact that there were many youths in those families and that, as the number admitted to the universities in Russia is limited, they removed to other countries to secure the opportunity of higher education; and thus it was made clear that there was no foundation for the particular charge which has been preferred against the Government.

These reports of new proscriptive designs against the Hebrews on the part of the Russian Government have naturally created more concern in other countries than here, because, so far as can be ascertained, they had their sole origin and obtained their sole credence remote from the scene. Had there been any good reason for supposing that measures so repugnant to every sentiment of justice and humanity were actually undertaken or seriously contemplated, it would have been a duty to report them for such consideration as they would have required. But it is a source of special gratification to be able to present not only the denial of the Government, but confirmatory testimony that these injurious allegations are baseless.

I have, etc.,

CHAS. EMORY SMITH.

[*Mr. Blaine to Mr. Smith.*] ⁶⁹

DEPARTMENT OF STATE,

WASHINGTON, February 18, 1891.

Sir.—On the 20th of August last the House of Representatives adopted a resolution requesting the President to communicate to that body any information in his possession concerning the enforcement of proscriptive edicts against the Jews in Russia. To this resolution the President responded on the 1st of October, and accompanying his response there was a report in which, with reference to the rumors that new measures of repression were about to be put in force, I said:

Such a step, if in reality contemplated, would not only wound

⁶⁹ *Foreign Relations*, 1891, page 737.

the universal and innate sentiment of humanity, but would suggest the difficult problem of affording an immediate asylum to a million or more of exiles without seriously deranging the conditions of labor and of social organization in other communities.

The correspondence communicated to the House of Representatives included your reassuring dispatch No. 44 of the 25th of September last; and this dispatch, together with assurances received in conversations with the diplomatic representative of Russia at this capital, tended to allay the apprehension necessarily aroused by the prospect either of the adoption of new measures or of the harsh enforcement of the old.

Up to the present time the Department has not been advised that any new edicts affecting the Jews have been promulgated. The cases of distress that have been brought to our notice are the result, in some instances, of the new interpretation, and, in others, of the strict enforcement of regulations which have for some years been in existence, but of which the severity was not generally understood because they were not rigorously applied.

The Department is informed that for many years the Jews in Russia have, as a race, been compelled to live within a certain area denominated the pale of settlement. Under the laws of May, 1882, it is understood that their places of residence within this area have been restricted by forbidding them to live in villages and to force them into the towns. The effect of the recent and summary enforcement of this measure in certain districts has been to deprive many of their means of livelihood. It is also understood that under the laws for many years in existence Jewish artisans have been permitted to reside outside of the pale of settlement. The Department is informed that by a new interpretation of the law many classes of workers formerly regarded as artisans are now denied that privilege, and being suddenly forced to quit their homes and to swell the number of their race in the overcrowded towns within the pale of settlement, find themselves unable to gain a subsistence by the pursuit of their respective occupations.

Other measures, such as the withdrawal of the privilege of pursuing many occupations, the denial of admission to the schools, and the actual expulsion as "alien vagrants" of persons long domiciled in Russia contribute to swell the emigration. I forbear to enumerate the edicts particularly applicable to the family, by which the ties of relationship are rent and a premium put upon their severance. I do not dwell on these things, not only because it is not my purpose to indulge in a general criticism of the anti-Jewish laws, but also because those that I have

explicitly referred to in the main account for the cases that have been brought to my notice.

That numbers of Jews have been and are daily being compelled to quit their homes in Russia by the enforcement of these oppressive measures, is amply shown by the present immigration of destitute Russian Jews into the United States. Heretofore this immigration, although large, being mainly made up of persons who were in some measure prepared for the change, has not overtaxed the resources of the various benevolent associations which are so generously maintained and admirably administered by the Jews of the United States. I am told on excellent authority that within ten years some 200,000 Jews of Russian origin have been received into this country, have been furnished, when necessary with occupation and homes, and have become speedily assimilated into the body politic, of which they form an orderly, thrifty, and law-abiding element.

The gravest fears are expressed lest this resource should fail if taxed with a great influx of Russian Jews, who, by reason of their sudden expulsion from their homes, and their unfamiliarity with the language and ways of life in this country, would stand in need of immediate, and in many cases of long continued, assistance and care.

You are aware that the problem of efficiently controlling immigration has been before the national legislature for some years. Measures have already been adopted for its regulation, and several schemes of further legislation are now pending before Congress. These measures, however, have not been due to an inhospitable disposition. The policy of this Government in respect to the admission of aliens to its shores has been most liberal. It has afforded to many thousands a home and a ready entrance into its political and social life, and it still offers to spontaneous, self-helpful, and independent immigration, a cordial welcome.

If measures of restriction have been adopted, it is only because it has been found necessary to avert the injection into the population of elements not assimilable and the bringing or sending hither of the indigent and the helpless to become a charge upon the community. In no instance has any measure of expulsion or of oppression been adopted in respect to those who are already here, all of whom stand under the equal protection of the laws.

But the hospitality of a nation should not be turned into a burden. And, however much we may sympathize with wanderers forced by untoward circumstances to quit their homes, and however ready the disposition to relieve the deplorable condition into which they may be cast by the application of the laws of their



native country, the Government and people of the United States cannot avoid a feeling of concern at the enforcement of measures which threaten to frustrate their efforts to minister to the wants and improve the conditions of those who are driven to seek a livelihood within its borders.

We are not forgetful of the ties of good relationship that have long subsisted between the United States and Russia, and of the friendly acts of Russia towards our country in the past. The Government and people of the United States are fully animated with a desire to preserve this cordiality of feeling, and for this reason they the more strongly deprecate the enforcement in Russia, in respect to a portion of her people, of measures which not only arouse a general feeling of disappointment, but which also operate to impose a tax upon the charitable and humane in this country.

The Government of the United States does not assume to dictate the internal policy of other nations, or to make suggestions as to what their municipal laws should be or as to the manner in which they should be administered. Nevertheless, the mutual duties of nations require that each should use its power with a due regard for the other and for the results which its exercise produces on the rest of the world. It is in this respect that the condition of the Jews in Russia is now brought to the attention of the United States, upon whose shores are cast daily evidences of the suffering and destitution wrought by the enforcement of the edicts against this unhappy people. I am persuaded that His Imperial Majesty the Emperor of Russia and his councillors can feel no sympathy with measures which are forced upon other nations by such deplorable consequences.

You will read this instruction to the minister of foreign affairs and give him a copy if he desires it.

I am, etc.,

JAMES G. BLAINE.

[*Mr. Blaine to Mr. Smith.*] ⁷⁰

DEPARTMENT OF STATE,

WASHINGTON, February 27, 1891.

Sir.—Your dispatch No. 75, of the 10th of February, reporting a conversation with Mr. de Giers in relation to the treatment of the Jews in Russia, was received by the Department on the 25th of the same month. On the 18th of February, just a week previ-

⁷⁰ Foreign Relations, 1891, page 740.

ously, I addressed to you a communication to be read to Mr. de Giers on the same subject.

While the statement in that communication touching the harsh treatment of the Jews are completely confirmed by Mr. de Giers, I have observed with not a little satisfaction, his readiness in suggesting this topic of discussion and his expression of willingness to consider any inquiries which you might make. It was believed that the Government of Russia would not disregard the evidences which have appeared in various countries of the general interest and solicitude which have been excited throughout the civilized world by the reports of the oppression of the Jewish race in the dominions of His Imperial Majesty. Nevertheless, the fact that the subject has been brought forward by the imperial minister of foreign affairs himself increases our hope that the representations of this Government based upon the deplorable aspects of the question which have been brought to its notice, will not only receive the consideration to which they are thought to be justly entitled, but will also more fully impress the Government of Russia with the fact that the effects of the repressive policy against the Jews are not confined to that country, but that they also excite the sympathy and appeal to the generous and charitable efforts of the people of other lands.

Ever since the transmission to you of the instructions of the 18th of February the Department has received fresh evidences of the immediate and material, as well as of the broad and general, interest which has been felt in this country in regard to the hardships of the Jewish subjects of His Imperial Majesty. Almost every day communications are received upon this subject, temperate and couched in language respectful to the Government of the Czar, but at the same time indicative and strongly expressive of the depth and prevalence of the sentiment of disapprobation and regret. No government can be insensible of a fact of so much significance, and I am happy to perceive the appreciation of the sentiments and interests of other people which the conversation of Mr. de Giers discloses.

I am, etc.,

JAMES G. BLAINE.

[*Mr. Smith to Mr. Blaine.*] ⁷¹

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, February 28, 1891.

Sir.—In view of the numerous and varied reports during the

⁷¹ Foreign Relations, 1891, page 740.

last few months concerning the purpose and action of the Russian Government in regard to the Jewish people living within the empire, I have deemed it useful to institute some inquiries on the subject through the consuls of the United States. To this end I sent out in January a circular letter. The design of this circular was not to initiate a minute investigation into details which would require much time, but to elicit trustworthy information upon the spirit and tendencies which mark the present policy toward the Jews. It was deemed necessary to communicate only with the consuls located in the section where the Jews are found in considerable numbers, and the circular was therefore addressed only to the consuls at Warsaw, Odessa and Riga.

They all agree that there is no evidence of the application and enforcement of new measures against the Hebrews. At the same time, those on the western frontier of the empire observe signs of the more stringent execution of the old laws which have been heretofore so loosely and lightly observed as to be practically inoperative.

As to St. Petersburg and Moscow, the best information I can gather leads to the conclusion that the present policy of the government is inducing some withdrawal of the Jews from these centers. The long-established laws permit only Jewish merchants of the first guild and Jews of certain other professional or artisan classes to reside in these cities. But the prohibition against Jews outside of these classes has not been enforced with any degree of strictness, and under the influence of this laxity thousands who are interdicted by the terms of the law have settled in St. Petersburg and Moscow. I do not understand that there is any harsh or general movement to enforce the law now, but am informed that such inquiries have been set on foot as to create the fear on part of those not embraced within the tolerated classes that trouble may be experienced, and that under this apprehension some of them are removing from the two chief cities of the empire.

I am, etc.,

CHAS. EMORY SMITH.

[*Mr. Smith to Mr. Blaine.*] ⁷²

LEGATION OF THE UNITED STATES,

ST. PETERSBURG, March 12, 1891.

Sir.—I have the honor to report that I yesterday waited upon the minister of foreign affairs, Mr. de Giers, with a copy of your

⁷² Foreign Relations, 1891, page 741.

instructions No. 78, relating to the edicts and policy of Russia concerning the Jews. Upon hearing my statement of the object of my call Mr. de Giers requested me not to read the dispatch to him, but to leave a copy, which he could examine at leisure.

I then gave him a brief verbal outline of its contents, referring to the resolution of inquiry passed by the House of Representatives in August of last year touching rumored proscriptive edicts against the Jews and to your report in response. You had received assurances, so you stated in this dispatch, which tended to allay apprehensions that had been aroused by alarming publications, and the Department had no information that any new measures hostile to the Jews had been undertaken. The cases of distress which had been brought to its attention were explained by the more rigorous enforcement of old laws whose severity had not been understood so long as they had not been applied. That the Jews in Russia were subjected to coercive and oppressive measures which compelled them to quit their homes was shown by the number of unfortunate and indigent Russian Jews who were now arriving in the United States. You had been informed on excellent authority that within a period of ten years this immigration amounted to 200,000. Most of these immigrants had been well provided for, but a further influx of destitute persons entirely unprepared for the conditions and requirements of American life would be a very serious burden for the American people. It was in this aspect of the results forced upon our country that the condition of the Jews in Russia under existing measures presented itself to the attention of our Government and people, and, in view of the mutual duties of nations, constrained his expression of their sentiments.

On this statement of the general tenor of your dispatch, Mr. de Giers hastened to ask at the outset what was its conclusion—what demand it presented. I replied that it presented no demand, but was a declaration of the views of the Government and people of the United States, which was submitted for the consideration of the Imperial Government of Russia under a sense of its own obligations. Mr. de Giers inquired particularly as to the statement that 200,000 Russian Jews had immigrated to the United States within ten years. I repeated your statement on this point. He rejoined that if such a number of people had gone to the United States as workers to aid in developing the country he supposed they would be acceptable, but if they went to “exploit” the American people, as he expressed it, he could understand how objectionable it was. After some further observations of a general character Mr. de Giers concluded by say-

ing that the dispatch would be received in the same friendly spirit in which it was sent; that he would submit it to the Emperor; and that, if it was determined to make reply either verbally or in writing, it would be duly communicated.

I have, etc.,

CHAS. EMORY SMITH.

By 1891, Mr. Smith had discovered that expulsions were actually taking place, and in October, 1891, he reports from St. Petersburg that he prolonged his stay in London for the purpose of meeting several gentlemen, particularly conversant with the Jewish question. The only person whom he names as having met is Arnold White.

On April 15, 1895, Mr. Gresham wrote to Mr. Breckinridge:

[*Mr. Gresham to Mr. Breckenridge.*] ⁷³

DEPARTMENT OF STATE,

WASHINGTON, April 15, 1895.

Sir.—Your attention is called to the Department's No. 60, of February 28, 1893, to your predecessor, Mr. White, and to his reply of April 11, 1893, No. 81 (see *Foreign Relations*, 1893).

The subject thereof, viz., the refusal of the Russian consul-general at New York, under instructions from his government, to vise passports issued by this Department to persons of the Jewish faith, has again come up for consideration.

You are desired, unless good reason to the contrary occurs to you, to present to the Russian Government the views of this Government as contained in the dispatch of February 28, 1893, above referred to.

I am, etc.,

W. Q. GRESHAM.

[*Mr. Peirce to Mr. Uhl.*] ⁷⁴

LEGATION OF THE UNITED STATES.

ST. PETERSBURG, June 13, 1895.

Sir.—Referring to your No. 46, of April 26, and to Mr. Breckinridge's reply thereto, No. 71, of May 17, in which he enclosed a

⁷³ *Foreign Relations*, 1895, page 1056.

⁷⁴ *Foreign Relations*, 1895, page 1058.

copy of his note to Prince Lobanow on the subject of the refusal of the Russian consul at New York to vise the passports of Israelites, I have the honor to say that in a recent conversation which I have had with the Prince, the subject being referred to, I took occasion to call his excellency's attention to the importance of the Hebrews as a class in the United States, referring to their numbers, condition and influence in the community as potential factors in a country governed, as is ours, by the will of the people. Prince Lobanow expressed himself as impressed with its importance, and making a note of the matter said he would consult with the minister of the interior on the subject at an early day.

Since then I have had occasion to call several times on Baron Osten-Sacken, to whom all questions in the foreign office relating to Israelites have been intrusted. In the course of inquiries as to whether the two gentlemen of Hebrew faith referred to in Mr. Breckinridge's dispatch above mentioned would be permitted to enter Russia, the matter of the vise of passports has come up, and Baron Osten-Sacken has informed me that he received Mr. Breckinridge's note from Prince Lobanow, accompanied by a memorandum calling special attention to the subject. Regarding the entry of foreign Jews into Russia, Baron Osten-Sacken states the position of Russia to be, that she looks upon their presence in the empire as prejudicial to the Russian people. That certain numbers of them being here she must take care of them, and that this she proposes to do in her own way and according to her own views as to the best interests of all Russian subjects. That viewing the Jewish question as she does, as one of race and not of religion, but in which the two questions are inseparable, so far as her purposes are concerned, she refuses to permit foreign Jews of any nationality to enter her borders and swell the number already here. For this reason the Government has instructed all Russian consuls in all countries to refuse the vise of passports of foreign Jews. On the other hand, and speaking of his own opinion, as the real purpose of the laws forbidding foreign Jews to enter Russia is to prevent their settlement here and their engaging in trade in Russian territory, and not to prevent the entrance of tourists, temporary sojourners, or Jews whose purpose in coming is not of an objectionable nature to the Government, Baron Osten-Sacken said that in his opinion there should be a change in the present practice regarding the admission of foreign Jews.

I expressed the hope that the Imperial Government would find it compatible with its policy to admit American citizens into Russia without inquiry as to their religious opinions or race,

upon presentation of their passports. That with us the Hebrews had proved themselves to be good and law-abiding citizens, who prospered without preying upon others, but that whatever might be, the opinion of the Imperial Government on this question, the interpretation and application of the Federal laws discourage citizens of the United States, of all creeds taking up permanent residence in a foreign country and continuing to claim the protection of our country as such citizens; that such citizenship involves certain obligations which require a residence in our country, and therefore it is unlikely that Hebrews bearing American passports would become permanently settled in Russia: This Baron Osten-Sacken admitted was a forcible argument and he expressed himself as hopeful that it would be possible to bring about a satisfactory revision of Russian practice as regards the admission of American Jews into the empire.

At the same time, he said, that were an answer to Mr. Breckinridge's note demanded the reply could not be favorable. That the laws of Russia are framed with regard to her own views of her own good. I took occasion to point out to the Baron that the purport of Mr. Breckinridge's note was to protest against the extra territorial act of an agent of a foreign government, upon our soil, applying a religious test to citizens of the United States, an act not constitutionally within the power of any officer of a Government to perform, and not to criticise the Russian Laws.

Under these circumstances, presenting a hopeful prospect of securing a more satisfactory condition of affairs in this vexed question, and as pressing for the principle seemed to endanger complications I felt that the discretionary clause in your No. 46 should deter me from taking the responsibility of insisting on a reply to the note in question at the present juncture. I therefore requested Baron Osten-Sacken to hold the note in abeyance for the present. To this he assented and agreed to hold it as a memorandum of the case.

H. D. PEIRCE,
Chargé d'Affaires ad interim.

[*Mr. Adee to Mr. Breckenridge.*] ⁷⁵

DEPARTMENT OF STATE,

WASHINGTON, July 19, 1895.

Sir.—Referring to Department's No. 46, of April 15 last, and No. 92 of the 5th instant, in regard to the refusal of Russian con-

⁷⁵ Foreign Relations, 1895, page 1060.

sular officers in the United States to vise the passports of American citizens of Jewish faith, I send you copy of a letter addressed by the Russian consul-general in New York to a citizen of the United States who had presented a Department passport. It illustrates the inquisitorial function assumed in regard to the religious faith of our citizens by Russian agents within our domestic jurisdiction.

I am, etc.,

ALVEY A. ADEE,

Acting Secretary.

[*Mr. Waix to Mr. Olney.*] ⁷⁶

BOSTON, July 15, 1895.

Sir.—As I am a citizen of the United States of America and would like to go for a short while on some business to Russia, and as I have sent my passport, signed by your honor the 18th of last June, No. 654, to the consul-general of Russia, A. E. Olarowsky, in New York to vise it, and as you will please see from the answers of the consul, certified copies inclosed, he refused to vise it (my passport) on account that I am a Jew by religion, therefore I have the honor to ask you to advise me how shall I do, as without the vise of the consul they won't let me pass the frontier of Russia.

Your obedient servant,

MAIOR WAIX.

[*Mr. Peterson to Mr. Waix.*] ⁷⁷

IMPERIAL RUSSIAN CONSULATE-GENERAL,

NEW YORK, June 27, 1895.

Dear Sir.—In reply to your letter of June 26, inclosing passport and \$1.20, I would inform you that before your passport can be vised you must inform me where you were born, and what your religion is—if Christian or Jew.

I shall retain your passport and fee until receipt of your answer.

Respectfully,

C. G. PETERSON, *Vice-Consul,*

(*For the Consul-General.*)

⁷⁶ Foreign Relations, 1895, page 60.

⁷⁷ Foreign Relations, 1895, page 61.

[*Mr. Olarowsky to Mr. Waix.*] ⁷⁸

IMPERIAL RUSSIAN CONSULATE-GENERAL,

NEW YORK, July 1, 1895.

Dear Sir.—I have the honor to acknowledge receipt of your letter of 28th ultimo, and desire to inform you that I cannot vise your passport. You must get permission from the ministry of the interior at St. Petersburg to visit Russia before I can vise your passport.

Herewith passport and postal note.

Respectfully,

A. E. OLAROWSKY,
Consul-General.

[*Mr. Adee to Mr. Peirce.*] ⁷⁹

DEPARTMENT OF STATE,

WASHINGTON, July 5, 1895.

Sir.—I have received your No. 91, of the 13th ultimo, reporting your interviews at the Russian foreign office in the matter of the refusal of Russian consular officers in the United States to vise the passports issued by this Government to its citizens of Jewish faith. Your conclusion that it is inexpedient to press the complaint to a formal answer at present appears to be discreet, but the Department must express its deep regret that you have encountered in the foreign office a reluctance to consider the matter in the light in which this Government has presented it. The Russian Government cannot expect that its course in asserting inquisitorial authority in the United States over citizens of the United States as to their religious or civil status can ever be acceptable or even tolerable to such a Government as ours, and continuance in such a course after our views have been clearly but considerately made known may trench upon the just limits of consideration.

I must, however, caution you against any suggestion of retaliatory or resentful action on our part. A due sense of national dignity constrains this Government to avoid all appearance of a minatory policy in its dealings with other powers. In this matter, especially, it is to be borne in mind that each Government is the judge for itself, of the extent to which foreign consuls may be permitted to act under their own laws within its territories,

⁷⁸ Foreign Relations, 1895, p. 61.

⁷⁹ Foreign Relations, 1895, page 1059.

and that such permission is determined by the corresponding exequatur.

The United States conspicuously illustrate their convictions on this subject in relation to their own consuls. The custom laws of the United States require the administration of a consular oath to exporters presenting manifests of goods for certification; but upon the representations of certain European Governments, among them Great Britain and Germany, that the administration of such oath by a foreign consul to a subject of the country is an invasion of the judicial independence thereof, our consuls have been enjoined to refrain from the act complained of in all cases affecting a subject of a sovereign of the country where they reside. It might, however, have been deemed entirely competent for the Governments of Great Britain and Germany to insert in the consular exequatur an express inhibition of the obnoxious act.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Shortly after, Mr. Breckinridge sent a dispatch to Baron Osten-Sacken, in which he quoted certain constitutional provisions and to which he received a reply: "As to the American constitution, I must confess that it seems to be here beside the question."

The following statement from the public press furnishes the latest information attainable on the passport question:

Steps to secure recognition by Russia of the passports of American Jews were taken yesterday by a committee of Congressmen, which has been in communication with Secretary Hay in regard to the matter. Chairman Wachter, of this committee, has received a statement from the Secretary of State, who says that negotiations are still pending.

The committee is composed of Representative Wachter, Representative Harrison, and Representative Goldfogle, of New York; Representative Lucking, of Michigan; Representative Bell, of California, and Representative Roberts, of Massachusetts. A meeting was held yesterday in the room of the Committee on Enrolled Bills, at which was read Secretary Hay's statement, made in reply to a letter from the committee asking for information regarding the carrying out of a resolution introduced some

time ago by Mr. Goldfogle, with a view to bettering, through the State Department, the condition of American Jews in Russia. Secretary Hay's statement is as follows:

SECRETARY HAY'S STATEMENT.

I have had the honor to receive your letter of February 6, requesting to be informed whether correspondence has been held through the American Ambassador, at St. Petersburg since January 3, 1904, regarding United States passports held by citizens of Jewish faith; whether instructions were forwarded to our representatives in Russia on the subject; if so, whether such instructions were presented by the American Ambassador at St. Petersburg to the Russian government or to any official thereof; and whether any reply or response was made by the Russian Government to the State Department or to the American Ambassador at St. Petersburg. You also ask for a copy of the correspondence so indicated.

On July 1, 1904, I communicated to the American Ambassador at St. Petersburg the text of the resolution adopted by the House of Representatives on the 21st of April last, whereby the President was requested to renew negotiations with the governments of the countries where discrimination is made between American citizens on the ground of religious faith or belief to secure by treaty or otherwise uniformity of treatment and protection to American citizens holding passports issued by the authorities of the United States, in order that all American citizens shall have equal freedom of travel and sojourn in these countries, without regard to race, creed, or religious faith. Mr. McCormick was instructed that the resolution of the House of Representatives was sent to him for his information and guidance in interpreting this expression of the feeling of the people of this country through their direct representatives as to the treatment of the citizens in question. In that instruction I said:

DIPLOMATS WERE INSTRUCTED.

"You will make known to his excellency the views of this government as to the expediency of putting an end to such discrimination between different classes of American citizens on account of their religious faith when seeking to avail themselves of the common privileges of civilized peoples to visit other friendly countries for business or travel.

"That such discriminatory treatment is naturally a matter of much concern to this government is a proposition which his ex-

cellency will readily comprehend without dissent. In no other country in the world is this class of discrimination applied to our visiting citizens. That the benefits accruing to Russia are sufficient to counterbalance the inconveniences involved is open to question from a practical standpoint. In the view of the President it is not easy to discern the compensating advantages to the Russian government in the exclusion of a class of tourists and men of business whose character and position in life are such as to afford in most cases a guaranty against any abuse of the hospitality of Russia, and whose intelligence and sterling moral qualities fit them to be typical representatives of our people and entitle them to win for themselves abroad no less degree of esteem than they enjoy in their own land."

MR. M'CORMICK'S NEGOTIATIONS.

Mr. McCormick communicated the resolution and the purport of my instruction to Count Lamsdorff on the 25th of August, 1904, in a personal interview, at which he left with the minister a note reciting the resolution of the House of Representatives and setting forth in clear detail the views of this government in the matter.

At that interview Count Lamsdorff limited himself to commenting upon the difficulties which his government encountered in dealing with such a question as was then presented, for which difficulties the imperial government was seeking a solution.

Subsequently, on September 21, 1904, Count Lamsdorff replied to Mr. McCormick's note, saying that it was with special interest he had become acquainted with the considerations therein expressed relative to certain facilities to be granted to American citizens of Hebrew faith with regard to their entry into Russia, and adding that a special commission had been instituted by supreme order on December 17, 1903, with the ministry of the interior in view of generally revising the passport regulations actually in force.

DEPARTMENT HAS BEEN ACTIVE.

Count Lamsdorff further stated that the imperial ministry of foreign affairs having appointed their representative with that commission he would not fail to bring, through such intermediary, to the knowledge of that commission the ambassador's views on the subject, and the desire of the Federal Government, of which the ambassador is the interpreter.

Since then no further communication in regard to this specific

question has been made to the American Embassy by the Russian Government, but the ambassador has advised the department from time to time to the extent to which the investigating commissions have directed their attention to the domestic problem of the status and treatment of Jews in Russia.

Following the department's rule of not making public correspondence of this nature by printing its text during the pendency of negotiations, I do not at present communicate in full, as desired. I have, however, stated its purport and the present situation with sufficient fullness to answer the three inquiries propounded in your letter.

FINAL ACTION ON TUESDAY.

The committee was in session nearly all the afternoon. Some of its members had written to Secretary Hay asking what had been done, and Mr. Hay's reply was the subject of discussion. The action to be decided upon will be taken at the next meeting of the committee on Tuesday.

The committee is to be enlarged by the addition of two more Republican Congressmen, so as to emphasize the fact that the movement is a non-partisan one. At present, Chairman Wachter and Mr. Roberts are the only Republicans on it. Mr. Wachter said to-day that a great many applications had been received for membership, but that the committee was after results, and considered that the best way to attain them would be to secure unanimity of counsel and unanimity of action, which would be difficult if the movement were placed under the direction of a large body of men.

"I want one thing clearly understood," he added. "Attempts have been made before to secure action in this matter, and they have generally ended with a letter informing those who applied that nothing could be done. It isn't going to be done that way this time. We are out for business, and we mean to keep pounding away until something happens."

The correspondence over the Kishineff petition is, also, too recent to require any statement here, except to say that, though not received formally by the Russian authorities, it, nevertheless, forms part of the official correspondence of the United States. Its transmission was due to the humanitarian diplomacy of President Roosevelt. Those who are especially interested in the petition and in the attitude of the

Government and people of the United States toward it are referred to the two following volumes:

Brief History of the Kischineff Petition together with classification, analysis and list of signatures thereto. Prepared by the Independent Order of B'nai B'rith and Being a part of the Report of the Executive Committee of the Order for 1902-3.

The Voice of America on Kischineff. Edited by Cyrus Adler, Philadelphia: The Jewish Publication Society of America, 1904.

PERSIA.

The Persian correspondence is meagre. On May 17, 1897, Mr. McDonald wrote to Secretary Sherman that he had interposed unofficially in behalf of the Jews of the city of Teheran, who were being subject to mob outrages by the Mohammedans. He reported that he had told the chief of the Shah's ministers that without any authority in the matter, he had come to him in the interest of humanity to ask that immediate steps be taken for the protection of the assaulted people. That they were a race without a country or government of their own to defend them. That they were as a whole harmless and inoffensive, and in the emergency he felt like speaking strongly for them in behalf of his government and his country, where so many were domiciled. This personal interview does not seem to have resulted satisfactorily, for on the same day Mr. McDonald sent a letter to the Shah's chief minister in which he again recited the facts.

[*Mr. McDonald to Amine-ed-Dowlah.*] ⁸⁰

LEGATION OF THE UNITED STATES,

May 17, 1897.

Your Excellency.—In the conversation which I had with you yesterday morning I was given to understand that the persecution and ill treatment which was being inflicted upon the Jews

⁸⁰ Foreign Relations, 1897, page 430.

had ceased. I regret to state to you, however, that I have just been informed that there has been a renewal of the maltreatment, and that many have been subjected to ill-usage and indignities, while the government ferashes (police) sent, I presume, to restore order have forcibly taken money, and left without effecting anything for the preservation of the peace of the district. I have not the remotest desire to interfere or to make any suggestions as to the administration of the affairs of this city, but from motives of humanity and of sympathy with those who are called upon to suffer, I appeal to you to put an end to this molestation and interference with the liberties of this loyal, intelligent and industrious section of His Majesty's subjects.

ALEX. McDONALD.

[*Mr. McDonald to Mr. Sherman.*] ⁸¹

UNITED STATES LEGATION FOR PERSIA,

TEHERAN, May 20, 1897.

Sir.—In continuation of my dispatch No. 295, I have the honor to inclose a later note to the Amine-ed-Dowlah, concerning the outrages on the Jews, since which I believe matters have quieted down, as I hear of no further disturbances. I have taken greater interest in this matter because the American missionaries have schools in the Jewish quarter and are greatly interested in them.

ALEX. McDONALD.

[*Mr. Sherman to Mr. McDonald.*] ⁸²

DEPARTMENT OF STATE,

WASHINGTON, July 8, 1897.

Sir.—Your dispatches Nos. 294 and 296, dated respectively, May 17 and 20 last, in which you report that you have tendered your good offices in behalf of the Jews of Teheran who were being subjected to mob violence at the hands of the Mohammedans of that place, have been received.

In reply I have to say that your good offices in this somewhat delicate question seem to have been discreetly used in the interest of common humanity and in accordance with the precepts of civilization.

JOHN SHERMAN.

⁸¹ Foreign Relations, 1897, page 430.

⁸² Foreign Relations, 1897, page 431.

I fully realize how inadequate has been this summary of the large amount of material brought together, but there is enough and probably more than enough to prove that since the days of Martin Van Buren, the United States Government has, so far as the Jews are concerned, stood steadfastly to two propositions, first, to insist with whatever moral force it possessed upon the equal treatment of all American citizens, irrespective of race or creed, and, second, to indicate to foreign Governments in which there were either proscriptive laws against the Jews or in which violence was practiced, that such action was viewed with disfavor by the Government and people of this country and was contrary to the best interests of any nation, and to the principles of humanity prevailing throughout the civilized world.

To those nations among whom these principles do not prevail a singular warning is conveyed in the following dispatch.

[*Mr. Blaine to Mr. Fairchild.*] ⁸⁸

DEPARTMENT OF STATE,

WASHINGTON, July 8, 1881.

Sir.—I have to acknowledge the receipt of your No. 164, by which you apprise me of a recent offer of protection extended by the Government of His Majesty the King of Spain to persons of the Jewish race in Germany and Russia, who had originally appealed for such protection to foreign representatives at Constantinople; and, in reply, to request that you will profit by the first suitable occasion to convey to the Spanish Government an expression of the lively satisfaction which has attended the reception of this intelligence by the Government of the United States.

The liberal and humane spirit which has inspired this act of noble hospitality is naturally appreciated by the people of this country the laws of which are based on the same enlightened sentiment, and extend alike protection to the oppressed of every race, faith, and condition from whatever country they may come.

JAMES G. BLAINE.

It will be recalled that Spain expelled the Jews from her dominions in 1492.

⁸⁸ Foreign Relations, 1881, page 1059.

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